myself or explain the circumstances of the trouble. I was crushed and utterly disheartened, and at once left the Army.

I received an intimation that the total ignorance of duty was in not haivng applied for permission to remove my men to the shore at Portsmouth. I had supposed this to have been arranged with my orders to proceed to Portsmouth to coal. My orders were rush orders; 1,000 men crowded the transport, and the captain of the vessel declared he could not coal with the men on board.

I was not intoxicated then, nor at any other time during my service in the Army.

The facts as stated in the above documents appeal strongly to the sense of justice which, in military as well as civil law, should temper the enforcement of discipline or punishment to its true and proper end. Hasty legal decisions based on evidence which the accused is not allowed to hear, or summary dismissals without even an opportunity given to the accused to defend himself (which privilege is as old as human government) can only be justified during military operations by the commission of an offense, so heinous in character as to demand immediate conviction, without trial, for the best interests of the service. That such a case is here presented is extremely doubtful. This officer, with a regiment consisting of 300 members and 700 recruits whose assignment to it was very unsatisfactory to them, is placed on a transport ordered to Portsmouth, Va., to coal; on the arrival there of the transport it was found necessary to unload these men, as, otherwise, coal could not have been put in this vessel.

The unloading of these men this officer understood to be a part of the orders he had already received, but his doing so is construed as a total ignorance of duty, because he failed to apply for permission to the brigade commander, whose headquarters were at Portsmouth and of which he was unaware. These men were placed in a Government inclosure at this point and the requisite precautions taken to keep them in order. During this officer's absence liquor was smuggled to them by the citizens of the place, and a number of the men, becoming intoxicated, eluded the guard and created a disturbance, which was suppressed by the old members of the regiment, which is evidently true, as the men were soon reloaded on the transport and proceeded up the James River. It is difficult to see where a total want of discipline occurs, which is another of the charges on which this officer was dismissed. The remaining charge, that of intoxication, is denied.

So highly was this officer esteemed by his comrades that a petition was forwarded by the officers of his regiment for the revocation of the order of dismissal; also a petition of a similar character from the field officers of his brigade. Attention is specially called to the indorsement of Major-General Ord, forwarding these petitions, that he had doubts as to the propriety of acting on General Vodges's report, etc.

It is respectfully submitted that while there may have been ground for censure or even the punishment of this officer for his conduct on this occasion, the facts as presented did not warrant a summary dismissal, but that he should have been granted a trial by court-martial, in order that he might defend himself; that the failure to do this constituted a great injustice, which, taken into consideration with his long and faithful service and good character, as sustained by the indorsement of his comrades in the field, in the opinion of your committee justifies the passage of this bill, which is respectfully recommended with the following amendment:

"That no pay or allowances shall accrue by reason of the passage of this act."

During the reading of the report,

Mr. SEWELL. The report is quite long, and I should like to have read now the summary of the committee. I understand the Senator from Missouri [Mr. COCKRELL] has an amendment to offer to the bill.

Mr. CARTER. I suggest that the further reading of the report be dispensed with.

Mr. SEWELL. Very well; let it be printed in the RECORD without further reading.

The PRESIDENT pro tempore. Without objection, the further reading of the report will be dispensed with.

Mr. COCKRELL. I move to amend the bill by striking out all after the enacting clause and inserting what I send to the desk, which will make the bill conform to all the precedents which have been followed by the Committee on Military Affairs for many years.

The PRESIDING OFFICER. The amendment submitted by the Senator from Missouri will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the President be, and hereby is, authorized and empowered to revoke and set aside Special Orders, No. 147, paragraph 57, War Department, Adjutant-General's Office, dated March 27, 1865, dismissing George K. Bowen, lieutenant-colonel One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and to cause to be issued to him an honorable discharge as of date March 27, 1865: *Provided*, That no bounty, pay, or allowance shall accrue by virtue hereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed as a substitute by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. Mr. President, I had intended to ask the Senate to consider for a brief time the legislative, executive, and judicial appropriation bill, but so much time has been occupied by this other matter that I will not do so this afternoon. I wish to give notice, however, that at every opportunity possible I shall ask the Senate to consider that bill, interfering at no time with the consideration of the Army bill, when it is ready for consideration. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 9, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 8, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

HENRY O. MORSE.

The SPEAKER announced his signature to the bill (H. R. 163) for the relief of Henry O. Morse.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CUMMINGS, indefinitely, on account of a broken leg.

EIGHTH DISTRICT OF ALABAMA.

The SPEAKER. The Chair desires to have read the following communication from the Sergeant-at-Arms.

The Clerk read as follows:

OFFICE OF SERGEANT-AT-ARMS,
UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., January 5, 1901.

SIR: A question has arisen in regard to the payment of Hon. WILLIAM RICHARDSON, member from the Eighth district of Alabama, who was elected on August 6, 1900, to succeed Hon. Joseph Wheeler. As I am informed, Mr. Wheeler has notified you, under date of August 17, 1900, that he resigned, the resignation to take effect August 6, 1900, while the governor of Alabama has certified to you that the resignation of Mr. Wheeler, bearing date April 20, 1900, was received on April 23 at the executive department of Alabama, and unconditionally accepted on that date. Mr. Wheeler has not demanded or received pay since March 4, 1899, the date of the beginning of the Fifty-sixth Congress.

The question which arises is as to the date at which the compensation of Mr. RICHARDSON should begin.

In view of the somewhat complicated legal question involved, I should like to have further advice before making the payment.

Respectfully,

HENRY CASSON,
Sergeant-at-Arms, House of Representatives.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

The SPEAKER. The Chair desires to state that inasmuch as this involves, as the Chair thinks, an entirely new question, for which no precedent can be found, and a large sum of money is involved, the Chair, without objection, will refer this communication to the Committee on the Judiciary, with authority on the part of that committee to report back at any time on the facts and the law. The Chair hears no objection, and this reference will be made.

Mr. HOPKINS. Mr. Speaker, I now call up the bill H. R. 12740.

Mr. SHERMAN. I hope the gentleman will withdraw that for a moment.

Mr. HOPKINS. I withdraw the demand for a moment, and yield to the gentleman from New York.

HOUSE BILLS WITH SENATE AMENDMENTS.

Mr. SHERMAN. Mr. Speaker, I would like to move on the bills H. R. 11280 and 11281, which are on the Speaker's table, with Senate amendments, that the Senate amendments be nonconcurred in and that a conference be asked.

The SPEAKER. The request of the gentleman from New York is in respect to bills which the Clerk will report by their titles.

The Clerk read as follows:

A bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

A bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

The SPEAKER. The question is on nonconcurrence in the Senate amendments to both bills.

The Senate amendments were nonconcurred in.

The SPEAKER. The Chair announces the following conferees on the part of the House on each bill: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

REAPPORTIONMENT.

The SPEAKER. The gentleman from Illinois calls up the regular order, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

Mr. HOPKINS. Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. DALZELL] one hour.

Mr. DALZELL. Mr. Speaker, the Constitution of the United States provides that Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. In order to arrive at the constitutional population, a further provision is made that at the end of each decennial period a census shall be taken of the inhabitants. Given such a census, the first question is, How shall the apportionment be made; in accordance with what rule?

It seems that from the inception of the Government down to 1840 the method of proceeding was to start with an arbitrary ratio, to divide this ratio into the constitutional population, and

obtain as a result the number of Representatives to be apportioned among the various States. Since 1840, however, a period of sixty years, another method has been pursued; and that is to assume, arbitrarily in the first place, a number of Representatives; to divide this number of Representatives into the constitutional population, and obtain as a result a given ratio, which, applied to the various States in their turn, will give the number of Representatives to which, respectively, they are entitled.

There are pending before this House now two bills, each of which, it is claimed, has been drawn in accordance with this second method; that is to say, by the selection in the first place of an arbitrary number of Representatives, a division of that number into the constitutional population, obtaining a ratio for the distribution of Representatives in accordance therewith throughout the various States. The first bill, the bill of the majority, started with 357 Representatives, and, taking the figures reported by the Director of the Census, made a report apportioning the Representatives in the various States, recognizing in that apportionment certain fractions and disregarding others.

That is to say, it was found in this case, as it has been found in other cases, that the ratio assumed will not divide evenly into the constitutional population; that necessarily there will be fractions; and it was determined sixty years ago that the proper method of disposing of those fractions was to give to each majority fraction a Representative. That rule the majority bill follows until it arrives at 357 Representatives, and it then ceases to recognize this majority fraction. That leaves a majority fraction in the case of Florida, of Colorado, and of North Dakota.

In my judgment the majority bill would be as near a perfect bill as could be framed if there were added to it 3 more Representatives, making 360 in all, and apportioning those 3 Representatives, 1 each, to Florida, North Dakota, and Colorado. The minority bill, on the other hand, starts with 384 Representatives, and, taking the tables returned by the Director of the Census, it finds that after 384 are provided for there will be two majority fractions, one representing Nebraska and the other representing Virginia. The minority bill, therefore, adds to 384, with which it originally started, these 2, making 386 in all.

Now, it will be perfectly apparent to anyone who undertakes to examine the figures, that upon either basis exact justice has not been done and can not be done to all the States in their relation to each other. The gentleman from Maine [Mr. LITTLEFIELD] who addressed the House on Saturday last, put into the RECORD a table, of which I avail myself. It is on page 659 of the RECORD, and shows the difference between the lowest ratio of apportionment and the highest ratio of apportionment in the majority bill, and the lowest ratio of apportionment and the highest ratio in the minority bill. It will be observed that in the one case there is a difference of 34,000 and in the other a difference of over 97,000. But not content with that analysis, for my own satisfaction I undertook to make an analysis of the figures of the majority bill. That bill gives to Maine 4 Representatives, and I refer to Maine, not because I have any antipathy to Maine or to any citizen of Maine, but simply because her case furnishes the best basis upon which to make an analysis of this bill.

Upon the population of Maine, giving her 4 Representatives, the ratio appears to be 173,616. That is to say, for every 173,616 of her inhabitants a member of Congress is given. If, now, this Maine ratio be applied to the various States in their turn, it will be found that the following States have been fairly dealt with: Colorado, Connecticut, Florida, Kansas, Mississippi, Nebraska, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Vermont, Washington, and Wisconsin; in all, with Maine, 15 States.

It will be found, however, that the following States have not been fairly dealt with upon that basis. Instead of having 9 Representatives Alabama should have 11. Instead of having 7 Representatives Arkansas should have 8. Instead of 8 Representatives California should have 9. Instead of 11 Representatives Georgia should have 13. Instead of having 25 Representatives Illinois should have 28, and so on down.

Mr. FITZGERALD of Massachusetts. How many Representatives should Massachusetts have?

Mr. DALZELL. I will go through the entire list, because it is apparent that every gentleman is interested in his own State. Instead of having 13 Representatives Indiana should have 14. Instead of having 11 Representatives Iowa should have 13. Instead of having 11 Representatives Kentucky should have 12. Instead of 7 Louisiana should have 8. Instead of 6 Maryland should have 7. Instead of 14 Representatives Massachusetts should have 16. Instead of 12 Representatives Michigan should have 14. Instead of 9 Representatives Minnesota should have 10. Instead of 16 Representatives Missouri should have 18. Instead of 10 Representatives New Jersey should have 11. Instead of 37 Representatives New York should have 41. Instead of 10 Representatives North Carolina should have 11. Instead of 21 Representatives Ohio should have 24. Instead of 32 Representatives Pennsylvania should have 36. Instead of 7 Representatives South Carolina should have 8. Instead of 10 Representatives Tennessee should have 12. Instead of 16 Representatives Texas should have 18. Instead of 1 Representative Utah should have 2. Instead of 10 Representatives Virginia should have 11. Instead of 5 Representatives West Virginia should have 6.

Mr. LACEY. What is the total increase?

Mr. DALZELL. Twenty-four States have lost according to this apportionment, upon the basis of the other 15 States, 49 Representatives, which added, as they ought to be, to the minority bill would make the representation in this House 429. The deprivation in the 24 States of the representation to which they are entitled upon the basis of the minority bill disfranchises in the 45 States of the United States 7,465,488 persons.

Mr. LONG. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. LONG. Has the gentleman made a computation on the same basis to find out what it would be under the majority bill?

Mr. DALZELL. I will come to that. I do not propose to do an injustice to either bill.

Mr. LONG. Very well.

Mr. DALZELL. Now, it is manifest that equal and exact justice can not be done under this bill to the various States in the Union, and that a large proportion of the citizens of the United States are virtually disfranchised. Going to the other bill, for I say to my friend from Kansas I have no desire to do injustice to either, nor to advocate the cause of one bill as against the other by ignoring the inaccuracies, inequalities, or injustices of either, I would say that I undertook to make an analysis of the majority bill upon the same basis that I made the analysis of the minority bill.

I did not follow that analysis to its conclusion, because I found that so far as this matter was concerned there was very little, if any, difference between the two bills; and I came to the conclusion, as I think every gentleman will who gives any examination at all to this subject, that upon neither of the methods suggested by the Director of the Census can equal and exact justice be done to all the States of this Union in their relation to each other.

It does seem to me, however, that with the addition I have made to the majority bill—the recognition of all the majority fractions, the inclusion of the States of Florida, North Dakota, and Colorado—justice will be attained by the majority bill as nearly as justice can be attained in the making of an apportionment by any of the methods available to us under the Constitution.

The result, however, at which I have arrived is, as I have said, that justice can not be done to all the States by either of these methods; and therefore it seems to me wise to abandon figures and come to what is the only real question in this case; and that question is, not whether this House should be increased in numbers, but whether it is not already large enough, if not too large.

Mr. LONG. Will the gentleman allow me a question?

Mr. DALZELL. Certainly.

Mr. LONG. The gentleman heard the objections made to the minority bill on the ground that it included representation for majority fractions for the States of Nebraska and Virginia, making a House of 386. It was claimed that that would do injustice to the States of New York and Pennsylvania, because on the basis of 386 the States I have mentioned would get a Representative each. Now, if the majority bill be amended by providing representation for the three fractions unrepresented under the table of 357, would not injustice be done on the same theory to the State of Massachusetts, which on a computation of 360 gets a member, while, under the addition proposed by the gentleman, North Dakota would get the member that really belongs to Massachusetts? I do not present that as my theory, but as the theory of those who have been supporting the bill of the majority without amendment.

Mr. MOODY of Massachusetts. That is the result.

Mr. LONG. It is.

Mr. DALZELL. That is undoubtedly true.

Mr. LONG. So that the objection made by the gentleman from Illinois to our computation is not correct, in the judgment of the gentleman from Pennsylvania?

Mr. DALZELL. Well, I pass no judgment at all upon the position of the gentleman from Illinois. But what the gentleman from Kansas has just stated is entirely in accordance with what I have already stated—that I can not conceive of any method that has been suggested, or any method that has ever been followed, by which exact justice, upon the basis of figures, can be done to all the States of this Union in their relation to each other. And therefore I repeat, let us abandon the question of figures altogether; let us take the best we can take as bearing upon a certain principle, and that principle is involved in the question that I have suggested as the main question in this debate—not whether or not the membership of this House shall be increased, but whether this House is not already large enough, if not too large.

Mr. LONG. Will the gentleman pardon me again? I only

made my suggestion in order to show that the gentleman from Pennsylvania is in accord with us in the position we have taken in this case, even though he disagrees with us as to the size of the House. We welcome his support to our theory.

Mr. DALZELL. "The gentleman from Pennsylvania" is in accord partly with the minority and partly with the majority on minor questions; but nevertheless he repeats that, in his judgment, the real question involved is as to the size of the House.

Now, before I come to discuss existing conditions, I wish to submit some observations upon this subject made by so great an authority as Alexander Hamilton. In his speech on Saturday last the gentleman from Maine [Mr. LITTLEFIELD] cited Alexander Hamilton, and sought to convey the impression to this House that, according to the philosophy and the rules laid down by Alexander Hamilton, he would favor an increase. I wish to show to the House, out of the writings of Alexander Hamilton, that if he were here to-day he would, to be consistent, be arguing against an increase in the membership of this House.

What was the question involved? The Constitution as it came from the Convention provided for a representation of 65 members—1 for every 30,000 inhabitants. Objection was made to that. I read from the Federalist, No. 64:

That so small a number of Representatives will be an unsafe depository of the public interests; secondly, that they will not possess a proper knowledge of the local circumstances of their numerous constituents; thirdly, that they will be taken from that class of citizens which will sympathize least with the feelings of the mass of the people and be most likely to aim at a permanent elevation of the few on the depression of the many; fourthly, that defective as the number will be in the first instance, it will be more and more disproportionate by the increase of the people and the obstacles which will prevent a correspondent increase of the Representatives.

Now, it will be observed that Mr. Hamilton is undertaking to answer these four objections in support of the proposition that the House was large enough. The House was then constituted of 65 members, one to every 30,000 inhabitants. Let us see what his reasons were, because they are as applicable to-day as they were then. He said:

In general it may be remarked on this subject that no political problem is less susceptible of a precise solution than that which relates to the number most convenient for a representative legislature. Nor is there any point on which the policy of the several States is more at variance, whether we compare their legislative assemblies directly with each other, or consider the proportions which they respectively bear to the number of their constituents.

Then he goes on and points out the difference in the proportion of Representatives in the State of Delaware as compared with those in Massachusetts and Pennsylvania, and so on, and then he follows with this additional general remark:

Another general remark to be made is that the ratio between the Representatives and the people ought not to be the same where the latter are very numerous as where they are very few. Were the Representatives in Virginia to be regulated by the standard in Rhode Island, they would at this time amount to between four and five hundred, and twenty or thirty years hence to a thousand, and so on. The truth is—

He says:

that in all cases a certain number, at least, seems to be necessary to secure—

Mark you—

the benefits of free consultation and discussion, and to guard against too easy a combination for improper purposes; as on the other hand the number ought at most to be kept within a certain limit in order to avoid the confusion and intemperance of a multitude. In all very numerous assemblies of whatever character composed passion never fails to wrest the scepter from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.

And the observations that Mr. Hamilton made in that connection are as applicable to-day as they were when made, and have never found a more emphatic proof and illustration than they find in the history and the present condition of this House.

Now, let us advance to the other reasons assigned. He says:

The true question to be decided, then, is whether the smallness of the number as a temporary regulation be dangerous to the public liberty, whether 65 members for a few years and 100 or 200 for a few more be a safe depository for the limited and well-guarded power of legislating for the United States.

And then he goes on to show, reasoning from the character of the American citizen as he existed then, that the liberties of the people were perfectly safe in the keeping of those 65 Representatives. And, reasoning upon the same basis to-day, he would be a bold man who would deny in this House that the liberties of the people of the United States are not quite as safe in the custody of 357 members that now constitute the membership of this body.

The second charge—

He said—

against the House of Representatives is that it will be too small to possess a due knowledge of the interests of its constituents.

It is a sound and important principle that the Representative ought to be acquainted with the interests and circumstances of his constituents. But this principle can extend no further than to those circumstances and interests to which the authority and care of the Representative relate. An ignorance of a variety of minute and particular objects which do not lie within the compass of legislation is consistent with every attribute necessary to a due performance of the legislative trust. In determining the extent of information required in the exercise of a particular authority, recourse then must be had to the objects within the purview of that authority. What are to be the objects of Federal legislation? Those which are of most importance and which seem most to require local knowledge are commerce, taxation, and the militia.

And substantially the same analysis might be made to-day. And then Mr. Hamilton goes on to say with respect to these subjects of Federal legislation about which the Representatives should have knowledge:

Divide the largest State into ten or twelve districts, and it will be found that there will be no peculiar local interests in either which will not be within the knowledge of the Representative of the district.

Now, leaving that and going to the third charge, that is one upon which we need make no comment at this time—that is to say, that the House of Representatives will be taken from that class of citizens which will have lost sympathy with the mass of the people. Because our history has demonstrated that that prophecy was to be unfulfilled. But lastly and most important in this connection—

The remaining charge against the House of Representatives which I am to examine is grounded on a supposition that the number of members will not be augmented from time to time as the progress of population may demand.

Then Mr. Hamilton proceeds to show in his inimitable way how that matter has been safeguarded by the provisions of the Constitution, and then, addressing himself to the evil that he clearly foresaw, and which I say faces us to-day, the evil of too great an increase, he makes some observations that I want to press home to the conscience and the intelligence of every member of this body. He says:

One observation, however, I must be permitted to add on this subject as claiming, in my judgment, a very serious attention. It is that in all legislative assemblies the greater the number—

Mark you—

the greater the number composing them may be the fewer will be the men who will in fact direct their proceedings. In the first place, the more numerous an assembly may be, of whatever characters composed, the greater is known to be the ascendency of passion over reason. In the next place, the larger the number the greater will be the proportion of members of limited information and of weak capacities. Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force.

In the ancient republics, where the whole body of the people assembled in person, a single orator or an artful statesman was generally seen to rule with as complete a sway as if a scepter had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning and passion the slave of sophistry and declamation.

Now, mark you again:

The people can never err more than in supposing that by multiplying their Representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their Representatives. The countenance of the Government may become more democratic, but the soul that animates it will be more oligarchic. The *machine* will be enlarged, but the fewer and often the more secret will be the springs by which its motions are directed.

Here, from the greatest statesman of our history, speaking over a period of a hundred years, come the three tests to measure an effective legislative assembly; that assembly whose numbers are sufficient for the purposes of safety, for the purposes of local information, and for the purpose of securing that diffusive sympathy which is necessary in the whole society.

Is there any man on this floor to-day who will declare in his place that the public safety, the interests, the liberty of the people of the United States can not be protected, safeguarded, and defended by a House of Representatives consisting of 357 members?

Is there any man here who will declare upon his responsibility as a Representative that Maine will suffer in her liberties, in her public safety, by having 3 Representatives instead of 4? Will any man contend that the people of Pennsylvania will be more secure in their liberties with 32 Representatives upon this floor instead of 30? Will any man declare in these days of rapid transit, telegraphs, telephones, and a public press that the local information necessary to care for the interests of Maine will not be as thoroughly possessed by 3 Representatives as by 4?

And the same argument will apply to each and every State in its turn.

Mr. WM. ALDEN SMITH. Yes, but what about her strength in the electoral college?

Mr. DALZELL. We all suffer alike in that.

Mr. WM. ALDEN SMITH. I do not think so.

Mr. DALZELL. All suffer alike in that. There is no more reason why the electoral college should be increased in numbers than there is why the House of Representatives should be increased in numbers. And I submit to every fair-minded man within the sound of my voice that 357 members respond fully to the tests that are laid down by Alexander Hamilton for the constitution of an efficient and perfect legislative assembly.

Now, Mr. Speaker, leaving the domain of theory and approaching that which we ourselves know, I advance the proposition that this House is habitually turbulent and noisy and at times almost uncontrollable, and that it has reached that point where, in very

many cases, the individuality of the Representative counts for absolutely nothing. Why, years ago, when this House consisted of less than 300 members, according to the testimony of distinguished statesmen now on record, it had already arrived at a point where it was disorderly, turbulent, and largely incapable of control. The gentleman from Maine [Mr. LITTLEFIELD] on Saturday last quoted from authorities which he supposed were authorities for him. I submit that the authorities are altogether against him. Sixty years ago a distinguished member of this House said:

> Never since he had held a seat in this House had it been so inefficient a body as it was at this moment. The deterioration had been constant, as well in the dispatch of business as in the manner and the matter of its debate, owing, as he believed, to its overgrown size.

That was not the expression of an outsider. That was the expression of a distinguished Representative, an actor on the scene, a participator in debate, his deliberate judgment that at that time a House of less than 300 members had already become inefficient, had degenerated in dispatch of business and in manner and matter of debate.

Mr. JONES of Washington. Will the gentleman allow an interruption?

Mr. DALZELL. Yes.

Mr. JONES of Washington. Are you willing to reduce the membership to 300? Are you in favor of that?

Mr. DALZELL. Certainly, I am.

> Mr. Johnson said the Senate had stigmatized the House as a bear garden, and contended, for that reason, that its number must be reduced. Mr. Pickens, in making an answer to some suggestions to the gentleman from Massachusetts, Mr. Adams, said that instead of meeting here for consultation and legitimate discussion, if the House was increased in size, it would be a body thrown into confusion, and from its very numbers it would be imbecile for all the purposes laid down in the Constitution.

And even at a later day Mr. Herbert, twenty years ago, said that we all know that gentlemen now sit here for a whole Congress and do not know all of their fellow-members even by sight. Men sent here to deliberate and discuss, men sent here to consult with each other upon grave questions relating to their constituents, and sent here in such numbers that during a period of two years it is impossible that they should become personally acquainted with each other! And Mr. Morrill, a name prominent in American history—American parliamentary history—Mr. Morrill, speaking of a period forty years ago:

> Now the Speaker has to stand up all the time and speak in a stentorian voice and constantly be rapping on his desk to maintain order in a little circle round about the Chair; and it is a fact that very few members are able to participate understandingly in the transaction of business.

Now, that is only a slight exaggeration. The only exaggeration is that the Speaker is standing up all the time. If he had said he had to rap with his gavel almost all the time to prevent confusion, he would have pictured the House as it existed yesterday, as it exists to-day, and as it will exist, only in a far worse degree, when you have added to its membership 29 or 30 more.

Now, it seems like a waste of time to be arguing this proposition in a House where there is present before us at all times an object lesson.

Mr. MOODY of Massachusetts. Mr. Speaker, will the gentleman permit an interruption? It does seem to me that we do have an object lesson this morning. Here are many gentlemen desiring to hear the gentleman from Pennsylvania, gathered about him listening attentively. On the other side of the Chamber and in their seats in the House there are gentlemen sitting at their desks writing letters or reading newspapers or consulting with each other. Does not that show that it is time to take away temptation—to take away the desks from the Chamber [loud applause]—so that it may be used wholly for deliberative proceedings, for those who desire to speak and for those who desire to listen?

Mr. GAINES. And it is no worse on this than on that side of the House.

Mr. MOODY of Massachusetts. Precisely; I meant no special reference.

The SPEAKER. The Chair will state that if anyone desires to interrupt the member who is speaking he must rise and address the Chair, and get permission. The gentleman from Pennsylvania will proceed.

Mr. MOODY of Massachusetts. Mr. Speaker, I supposed I addressed the Chair and received the consent of the gentleman from Pennsylvania.

Mr. DALZELL. Certainly; I agreed.

The SPEAKER. The Chair did not hear that.

Mr. MOODY of Massachusetts. I turned to the Speaker and then asked permission.

The SPEAKER. Then the gentleman was not at all in fault.

Mr. DALZELL. What the gentleman says is largely so. I have no doubt that the remedy for the evil should be determined in advance if this House is to be increased in number, which I think is inexpedient from any point of view. If it is determined to increase the number, I have no doubt the remedy suggested by the gentleman from Massachusetts would afford some relief; but it would nevertheless simply amount to this: It would amount to the introduction into the House of Representatives of the United States of the absenteeism that prevails in the English House of Commons.

The result would be not that gentlemen would be here to vote, because even with this great number they perform that slight duty. Not that gentlemen would be here to vote, but that gentlemen unwilling to listen would habitually be absent from the Chamber, and what Mr. Hamilton predicted would become true. The House would be absolutely under the control of the few men who attend daily to their duties.

Now, then, I must hasten on. There are facts within the knowledge of gentlemen who have served in two or three Congresses that go to show that the truth of the position that I am arguing has been recognized in this House, and that the evil has been sought to be avoided through a long course of years by the adoption of various expedients. For example, it has been a subject of deliberation in three or four Congresses by the Committee on Rules as to whether or not the rule that admits to the privileges of the floor ought to be so changed as to exclude ex-members, it being considered that in the confusion that here prevails the exclusion even of the few gentlemen who see fit to return from time to time to the scenes of their triumphs or their defeats might add something to the order of the House.

The rules provide that the heads of Departments—the gentlemen with whom we are brought in contact in order to receive the information necessary in the performance of our legislative duties—shall have access to the floor of the House; and yet in Congress after Congress the petition of the Commissioners of the District of Columbia for admission to this House has been denied, because it was conceived that not even three more men ought to be added to the number already upon the floor. Even so small a matter as the presence of the Secretary of the Smithsonian Institute, who probably came here but seldom, was taken into account and some Congresses ago his name was stricken from the roll. It was thought that the absence even of one man might contribute something to the order that ought to be maintained on this floor. We have denied time and again access to this floor to the assistant sergeant-at-arms and assistant doorkeeper of the Senate.

Why, if any member has a constituent who calls upon him as a matter of courtesy or for business purposes he must meet him in one of the halls surrounding this House of Representatives, because the lobby is too small to accommodate 357 members of the House. For that reason visitors have been excluded from it, newspaper reporters, and others, while at the other end of the Capitol Senators have a place to receive their constituents, their families, and all who may see fit to call on them in the performance of their public duties, a privilege that every public servant ought to have, and that any properly constituted House would provide.

Mr. WM. ALDEN SMITH. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Michigan?

Mr. DALZELL. I do.

Mr. WM. ALDEN SMITH. The gentleman suggests that much of the confusion that is had here might result if the membership was increased, and he says, citing the English House of Commons——

Mr. DALZELL. I did not cite the English House of Commons on the question of confusion.

Mr. WM. ALDEN SMITH. Well, the question of attendance. That attendance, or lack of attendance, at the English House of Commons is ascribed to the fact that the members are paid nothing, and they do not feel bound to attend, as they do here. I do not think that analogy holds good.

Mr. DALZELL. I will say to the gentleman from Michigan that he has anticipated what I was going to say. Gentlemen on this floor cite to us the House of Commons and the French Chamber of Deputies. There is no proper analogy between those houses and this House. In the discussion over the first apportionment bill some gentleman said, what has been repeated at every similar discussion since, that the House of Commons had so many and the French Chamber of Deputies had so many members, and a distinguished gentleman of that day said, and I adopt his ejaculation, "God forbid that this House should be brought into comparison with either the House of Commons or the French Chamber of Deputies."

The House of Commons is made up of representatives many of whom know nothing about the constituency that they are supposed to represent. A man is chosen from some place in England to represent some borough in Scotland where he has never been and about which he cares nothing. Members receive no emolument. I have been in the House of Commons half a dozen times and I never have seen 100 members in it. Theirs is a parliamentary Government and this is a Congressional Government. There is no proper analogy between them.

As to the French Chamber of Deputies, if there is a more disorderly, and at times disgraceful, assembly on the face of the earth,

so far as parliamentary procedure is concerned, I would like to know where it is. Why, the speaker of the French Assembly is clothed with the power of, at his own sweet will as to time and occasion, adjourning the assembly by ringing a bell. [Laughter.] And times without number, if the newspapers are to be believed, within the last few years, the French Assembly has been adjourned at the bell of the speaker to avoid possible bloodshed on its floor.

As to this Chamber, we have even removed the pages that used to come at beck and call and were seated on the floor of the House; we removed them into a half-lighted room, without air or ventilation, filled with tobacco smoke, in order to get rid even of their presence on the floor of the House. All these matters are matters relating to the presence of persons on the floor. They are of small importance in comparison with other measures that have had to be taken in order to transact even as well as we do the business of the House. There was a time when there was no limitation on debate in this House.

Now there is a limitation on debate, and, however much we may regret it, there is no gentleman here who does not know that it exists as an absolute necessity; who does not know that out of the 357 members that constitute this House 300 of them have never been heard upon the floor and never can be heard under ordinary circumstances. Why, if a gentleman is asked by his constituents to present a bill in this House relating to some measure of great public importance he can not rise in his place and present that bill. He must deposit it in a box, and nobody, save the studious man who reads the RECORD and the committee to whom it is referred, unless it be reported, ever knows of its existence.

When I became a member of this House, not many years ago, there was a day when gentlemen arose in their places and presented bills sent them by their constituents, and when every man who saw fit to be in his seat knew at the end of the day just what legislation was proposed. The same method exists to-day in the Chamber at the other end of the Capitol, and it is a method that ought to exist everywhere in a legislative body sitting for the purpose of legislating, if it be possible. The great right of petition, for which that grand old President and statesman, John Quincy Adams, so heroically and successfully battled, what is it to-day? A mere farce.

A petition signed by thousands of your constituents relating to measures considered by them of the gravest importance, and which under the Constitution they have a right to present to this House, can not be presented to the House itself. It goes into a box and is referred to a committee, and, unless called for by the committee, is never seen by anyone save the man who presents it.

Mr. WM. ALDEN SMITH. What is the remedy for it?

Mr. DALZELL. The remedy that existed when the House was small and when bills and petitions were presented in this House as they are on the floor of the Senate.

Mr. WM. ALDEN SMITH. Does that fulfill the constitutional function to give the people their right of representation?

Mr. DALZELL. That is one aspect of the question we are debating.

Mr. GAINES. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. DALZELL. Yes.

Mr. GAINES. Did not the gentleman from Pennsylvania vote for the present rules?

Mr. DALZELL. Yes, and I would vote for them again, and again, and again. And if that side of the House were to come into power, they would have to take them because they would find, as they did find in the Fifty-second and Fifty-third Congresses, that this House can not be governed except under such rules.

Mr. GAINES. I never have and I never will.

Mr. DALZELL. Why, sir, the reports of committees which used to be presented openly in this House, and ought to be so presented, are disposed of now in the same way as bills introduced. And then even, as to the Committee of the Whole on the state of the Union, it was found that this House, with 357 members, could not go into the Committee of the Whole on the state of the Union and successfully transact business; so that it was finally agreed, both sides of the House consenting, that a quorum in the Committee of the Whole should be reduced to 100 members.

Mr. LONG. May I ask the gentleman a question?

Mr. DALZELL. Certainly.

Mr. LONG. Is there any material difference between the rules as we have them now, with a House of 357 members, and the rules as we had them in the Fifty-first Congress, with a House of 325 members?

Mr. DALZELL. Not at all.

Mr. LONG. Then what difference would there be between a House of 386 members and a House of 357 members in regard to the points that the gentleman makes?

Mr. DALZELL. Just the same difference that there is between 357 and 325. It is harder to control this House and transact business efficiently under any rules with 357 members than it was in the Fifty-first Congress with 325. And the difficulty will be increased with every accession to the membership of this House.

Now, I must hasten on. Mr. Speaker, how much time have I remaining?

The SPEAKER. Ten minutes.

Mr. SMITH of Kentucky rose.

Mr. DALZELL. I hope the gentleman will not interrupt me; I have only ten minutes left.

Mr. SMITH of Kentucky. Just a moment. I have listened very attentively to what the gentleman has been saying about the restrictions on debate in this House. Now, I ask, is that due to the increased membership of the House or to the tendency of either party that may dominate the House to cut off debate on the opposite side?

Mr. DALZELL. I think it is due to the increased membership.

Mr. SMITH of Kentucky. I differ with the gentleman.

Mr. DALZELL. It is due to the impossibility of furnishing an opportunity for every member to join in debate.

Mr. Speaker, there are on the roster of this House—I have not counted them, but I venture the assertion there are fifteen useless committees, committees that never meet, that have no business to perform, to which a bill is never referred, and which exist as committees only in name. Why? Because the Speaker has to find a place on committee for every one of the 357 members. Not only that, but every main committee of this House, every committee charged with important business in this House, has had its numbers so increased that it is absolutely impossible to stow away another man in the committee room. Yet you propose to find committee places for 29 additional members.

Mr. Speaker, I have not time to dwell further on this aspect of the case. I come now to my last proposition. I deny the affirmation that even under the rules as we have them this is an efficient House. I say it is an inefficient House; and let the record show it. In the Fifty-fourth Congress there were presented in the House and the Senate 14,114 bills and 470 resolutions—a total of 14,584. Of those bills and resolutions of more or less importance there were reported in this House the beggarly number of 2,815; and there were passed and became law the still more beggarly number of 984—984 out of a total of 14,584. But that is not all or the worst of it. The Senate of the United States, with no cloture, with no previous question, with unlimited debate, passed 1,682 bills to 948 passed by the House of Representatives; and the difference between the Senate and the House of Representatives is the difference between 90 men without rules and 357 men held to the performance of their duties by the strictest of rules.

In the Fifty-fifth Congress there were introduced in the House 10,547 bills and in the Senate 5,855, or a total of 16,402; and there were reported in this House the beggarly number of 2,112, and passed, 1,461.

Mr. HILL. Will the gentleman pardon me a moment? Does he bear in mind the fact that the English House of Commons, with a quorum of only 40, passed only 299 bills last year?

Mr. DALZELL. I have said that there is no analogy between the House of Commons and this representative body.

Mr. HILL. There is in size and working force.

Mr. DALZELL. Not at all. That is an executive body; this is a legislative body. That is a Parliamentary body; this is a Congressional body. Their Government is a Parliamentary Government; our Government is a Congressional Government. The difference is so vast that it is impossible to make any comparison between them.

Only one word more. In the present Congress, according to the RECORD, there were introduced up to last Saturday night 13,300 bills in this House and 5,414 in the Senate—a total of 18,714; and we have managed to have reported up to this time 2,100 of those bills.

Mr. BINGHAM. Let me ask the gentleman one question covering, I think, this whole proposition. May not the determination of a bill which the committee determines not to report to the House be just as wise a legislative policy as reporting a bill? Is not the gentleman going upon the assumption that all legislation proposed by bills introduced is wise legislation?

Mr. DALZELL. I am glad the gentleman called my attention to that, because I had omitted to say that in the Fifty-fifth Congress, counting what the gentleman speaks of, bills that were reported adversely, and resolutions reported adversely, and all matters of legislation passed upon, the Senate disposed of 2,114 as against 1,461 in the House.

Mr. HEMENWAY. How many of them were passed by Senatorial courtesy which never should have passed?

Mr. FITZGERALD of Massachusetts. Does the gentleman from Pennsylvania think that the wisdom of the rules of the House was vindicated when the House refused to pass a lot of

those bills that came over here from the Senate, considering the manner in which those bills are gotten through the Senate?

Mr. DALZELL. Yes; I think anything done by the rules of the House is all right. [Laughter.]

Mr. LONG. May I ask the gentleman a question?

Mr. DALZELL. Really, I must either quit or——

The SPEAKER. The Chair has already stated that the consent of the Chair must be obtained before a gentleman is interrupted.

Mr. DALZELL. I assume that my time has about concluded.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOODY of Massachusetts. I ask unanimous consent that the time of the gentleman be extended fifteen minutes. It is in the interest of the members of the House.

Mr. DALZELL. Mr. Speaker, I decline that for the reason that other gentlemen are to follow me.

The SPEAKER. Objection is made by the gentleman from Pennsylvania.

Mr. DALZELL. I am very much obliged to the gentleman, but other gentlemen are to follow me, and I am not willing to take any portion of their time. [Applause.]

Mr. BURLEIGH. I yield ten minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

[Mr. BINGHAM addressed the House. See Appendix.]

Mr. HOPKINS. I yield twenty minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I will take up the subject of Pennsylvania at the point where the gentleman laid it down. For twenty years, with the political power in the hands of the party to which the gentleman has belonged, they have seen fit to ignore the apportionment made by Congress.

Mr. BINGHAM. Did the gentleman say twenty years?

Mr. GROSVENOR. Twenty years.

Mr. BINGHAM. Permit me to correct the gentleman.

Mr. GROSVENOR. I think it has been twenty years.

Mr. BINGHAM. The last apportionment was made in 1887.

Mr. GROSVENOR. Very well, then, for thirteen years. At that time did you have all of your Congressmen?

Mr. BINGHAM. You mean twenty years?

Mr. GROSVENOR. Oh, yes.

Mr. BINGHAM. Then you reaffirm your statement.

Mr. GROSVENOR. I know what I am talking about. For thirteen years, according to the gentleman's own statement, this same magnificent county of Philadelphia has gone without her proportion of representative force in the House of Representatives, while they have elected two members at large throughout the State. Now, under the recent census the State of Pennsylvania increased her population by something over a million.

Mr. BINGHAM. One million and forty-four thousand.

Mr. GROSVENOR. And of that number 246,000 were in the county of Philadelphia and 223,000 were in the county of Allegheny, making nearly half a million of people. Now, the proposition is to reapportion the State, or else my friend's appeal is in vain, by giving to those cities the just measure of their deserts that they have been powerless to obtain for all these years.

Mr. BINGHAM. We can not do this ourselves.

Mr. GROSVENOR. You did not have any legislatures in session?

Mr. BINGHAM. We do not have this legislature.

Mr. GROSVENOR. Then there is something peculiar about this legislature that has not been about other legislatures. I think there is no special peculiarity about this legislature.

Why, Mr. Speaker, there is the whole trouble. Take my own State of Ohio, where we made a splendid gain of 485,229—almost half a million. Five counties of that State made almost 300,000 of that gain—Hamilton County, Cuyahoga County, Lucas County, Franklin County, and Montgomery County. Now, the smaller you make the ratio the more power, relatively, you put into those counties and the fractional parts thereof. So, under the Burleigh bill we find, instead of four Representatives from the great cities of Ohio, we shall have nearly two and a half ratios in Cuyahoga, two and forty-odd thousand in Hamilton County, almost a ratio in Franklin, and almost a ratio in Lucas County, while all the balance of the State will have the pleasure of dividing up about 15 members of the House of Representatives.

Mr. BINGHAM. Will the gentleman allow an interruption there? Is not that whole matter of the division of the State a function of the State legislature?

Mr. GROSVENOR. Oh, very well——

Mr. BINGHAM. This House has nothing to do with it.

Mr. GROSVENOR. Apparently it has had a great deal to do with it. Now, with reference to New York, the Burleigh bill proposes to add three members from the State of New York. Where will they be located? That portion of the State above the Harlem River has not gained in population except in a single county materially, and the whole three of these members is simply a peace offering which is now proposed to be tendered to the political power dominating below the Harlem, Tammany Hall.

Now, Mr. Speaker, I have no interest or feeling in regard to this bill. I would not vote to keep any man out or to bring any man in. I have one general idea in regard to the power of the people of a State over its representation in Congress. I do not believe in this country it is necessary that Congress shall legislate and affect the whole of the country by its legislation in order that some one or two or three particular gentlemen shall be kept in Congress or that any particular State shall be protected beyond its deserts, for while I believe my friend from Pennsylvania is right in saying the legislature of the State has power over its Congressional districts, I am right in saying that the people of a State have power over the election of their Representatives; and it will not occur shortly that any action of Congress will keep any distinguished man out of Congress and send a less valuable one in his place.

I put my support of this bill on the ground that it is a smaller number of Representatives than any other bill. I would cheerfully and gladly vote for a scheme of 300 members of the House. I have listened to this discussion about the French Chamber of Deputies and the British House of Commons. Why, Mr. Speaker, the members of the British House of Commons are not in any sense such representative men of their constituencies as we are. It is a rare thing in an ordinary session of the House of Commons to find above a hundred members present and therefore it is that they have cut down the quorum of their House to 40, in order that about 40 members can go there and transact business.

The average member of the House of Commons in England is a gentleman who has wealth enough and is powerful enough to go to London to live, is wealthy enough to live without salary, and to be within telephonic or telegraphic reach in case of a political division in the House, so that he may go in and ascertain his duty as an individual, then vote, and leave immediately.

And the same is true of the representative assembly of the people of France. There is no comparison. The English member of the House of Commons has no necessity for a desk. He has nothing to do with the rules of the house, he does not have to have a digest, and has nothing to do with the list of members. He does not care anything about that; he does not need a directory. Nine out of ten of them have no great business connection with their constituents at home. I have heard this talk about taking the desks out of this House. I do not believe that it will ever be done.

The gentleman from Pennsylvania [Mr. BINGHAM], if he desires to make the effort, will have an opportunity when the sundry civil bill comes here to move to strike out the appropriation for the improvement of the Hall that is now contemplated and substituting the removal of the desks, and I venture to say that he will not get 10 votes in this House in favor of his project. It never had any support, except here and there an American gentleman journeying to London who thought he saw something rather attractive by looking down from the gallery, where he was able to get a seat that some member of Parliament did not occupy—for more than one-third of them have to sit in the gallery, if they ever come there, as they do occasionally on festal occasions—and thought he saw something nice in a man sitting on a bench with his hat on his head, something that looked perfectly unique and unusual, and rushed back to America and spoke or wrote it up in our magazines for publication.

We are business representatives of active, stirring constituents, and one-half of our practical efficiency comes from the presence of the desks and the uses that we make of them. Therefore I would vote for the smaller rather than the larger House. Two million and a half dollars added to the expense of a decade of the House of Representatives is a matter of some moment and importance. The argument that some Eastern State—and it is very strange that it is necessary for us to pass this bill in order to give to Maine her present representation, when by doing so we shall give to Connecticut, another New England State, an increase, a Democratic increase, beyond all possibility of the surveying of lines.

Now, what are we to do in the future? It appears that we are following precedents, going back as far as Hamilton. To-day we propose that we will not allow any State to lose a Representative except Nebraska. I do not see any method of saving Nebraska unless we take in about 400. I should like to know why not Nebraska? Why do we not take in Nebraska? Why legislate against Nebraska, a growing, splendid State, with the chances of the future enhanced 1,000 per cent within the last three months? [Laughter.] Why not? Why should we leave Nebraska out and yet proclaim our purpose to leave nobody out? Let us see what we are coming to.

We can not hope that all the States can maintain their proportion of population always. Some States will naturally fall off. That must be so. Fourteen counties of Indiana shrunk in their population under this census. More than that number in Ohio shrunk in their population in this census. Westward as you go

the population increases more rapidly, so that Iowa did not fall off in a single county in that State. Here is the logic, here is the force of all that. If the criterion is to be in the East, and the Western State is to be maintained, necessarily, under all the circumstances, what will be the size of this body twenty years from now?

I read in a newspaper to-day that it was absurd to talk about the size of this Hall. Possibly that may be. It may be true that this country is rich enough to build a new Capitol and a new Hall of Representatives, but this Congress can not legislate to increase the power of the voice of the Speaker, nor swell the momentum of power of the voice of every member on this floor, and I do not know but that it is about as important that the size of the Hall shall conduce to the voice of the State being heard by a few Representatives as it is that the voice of the State shall be heard by the mere vote of a Representative, when his voice can not be heard, unless we adopt a system of megaphone communication between the Chair and the members of the House. [Laughter.]

Mr. SIMS. Mr. Speaker, may I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. SIMS. The gentleman thinks the people ought to be heard by the voice of their Representatives?

Mr. GROSVENOR. I do.

Mr. SIMS. And yet we are running under a lot of rules that shut the mouths of more than one-half of the House on almost every bill.

Mr. GROSVENOR. I think the country is not suffering in that direction. [Laughter.] The gentleman is misapprehending the rules of the House. He could not make a better set of rules if he should try. The only great modification of the rules were made in the Fifty-first Congress, and were subsequently adopted by the Democrats in the Fifty-third, when they found it was indispensable to do so. I differ with my distinguished friend from Iowa [Mr. HEPBURN], and I want to compliment him, as he did me, by saying that he is a man of distinguished power, and learning, and knowledge, but, in my judgment, he is just slightly affected with a special prejudice against the rules of the House. [Laughter.]

I deny that it is impossible to pass legislation in this House. I make the statement without any purpose of bluster. I state over again what the gentleman from Iowa [Mr. HEPBURN] says he has heard me say—if I have behind me an assured majority of a quorum of this House, I can pass any bill on the Calendar of this House, with or without the action and friendly cooperation of the Speaker.

Mr. CLARK of Missouri. Will the gentleman allow me a question?

Mr. GROSVENOR. Yes, sir.

Mr. CLARK of Missouri. As I understand, there is but one species of machinery under our rules by which the gentleman can do that, and that is by a conspiracy or agreement among the chairmen of all the committees that upon a call of the committees each one of them will drop out and say that he has no business to call up. Is not that the only course open to the gentleman?

Mr. GROSVENOR. That is one way. That applies only to one character of business. There is only one character of business that can be brought up in that sort of way.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. HEPBURN. I wish to ask my friend from Ohio to state the process by which he would accomplish the object he has stated. I am afraid my friend has something up his sleeve that he has not let the rest of us know about. I would be glad if he would enlighten the House by showing how, with his majority back of him and without the friendly aid of the Speaker, he can pass any proposition in this House. I say he can not.

Mr. GROSVENOR. Yes, I know; and I guess that is as far as we shall get in this controversy to-day. Mr. Speaker, I illustrated to the House and the country once what could be done here, after the scheme was practically abandoned by everybody else.

Mr. CLARK of Missouri. That was on the Hawaiian bill?

Mr. GROSVENOR. Yes, sir; when the Hawaiian bill was brought up. That is one thing. When I am brought up for a civil-service examination I will tell the balance, but not until then. [Laughter.]

Mr. CLARK of Missouri. We want to know how the rest of us can get our bills passed.

Mr. GROSVENOR. I want to speak a moment or two more on this question.

I believe it will be discovered that if the Burleigh bill passes—and I very much fear it will—we shall have turned over 25 per cent of the power of the Fifty-eighth Congress to the cities of this country; we shall have stripped the entire rural districts of the country of their just measure of power in this body; we shall have turned over to the great centers of population the power to control the legislation of Congress. I can show that; and I will try to do so in extending my remarks.

I want to say a few words now on what is known here as the Crumpacker proposition. I am opposed to the disfranchisement of the colored men of the South, and I have placed myself upon the records of the country in a magazine article giving fully my reasons; and my position on that question does not apply to the question, Which is the stronger, or which shall have the greater political power in the future?

Mr. OTEY rose.

The SPEAKER. Does the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from Virginia [Mr. OTEY]?

Mr. OTEY. I make the point that the gentleman's time has expired.

Mr. GROSVENOR. Well, the gentleman from Virginia is not in order.

The SPEAKER. The time of the gentleman from Ohio has expired. [Laughter.]

Mr. GROSVENOR. I hope I may have five minutes more.

Mr. HOPKINS. Very well; I give the gentleman five minutes more.

Mr. GROSVENOR. I am delighted that my friend from Virginia is watching the clock and aiding the Speaker in administering the rules of the House.

Mr. OTEY. I do not object to the gentleman occupying fifteen or twenty minutes more, if he does not take it out of my time, and that is what he is doing.

Mr. GROSVENOR. I will not take anything out of the gentleman's time.

Mr. OTEY. You are doing so.

Mr. GROSVENOR. The gentleman is taking from the time of both of us now. I am willing that the gentleman shall have all the time he wants as soon as I have occupied my five minutes.

Mr. OTEY. It was agreed that I should have thirty minutes; but now it appears that I am to be cut down to five.

Mr. GROSVENOR. Very well; the gentleman can say more in five minutes than the average member of Congress can in twenty minutes. [Laughter.]

Mr. OTEY. If it be agreed that I shall have twenty minutes, I will move to extend the gentleman's time for half an hour.

Mr. GROSVENOR. I have five minutes, and I would like to go on.

My opposition—I would rather say hostility, for that is the better term—to the disfranchisement of the colored man is because I sympathize with, and feel a great interest in, the people of the South. I have no prejudice on this question; and the gentleman from Mississippi the other day in his very eloquent appeal on this subject fired over my head. I would act here with just as much energy in behalf of a measure for the benefit of the eleven States of the South with which I was at enmity as I would for any State of the North.

My votes have spoken upon that question. My position is that in a free government dependent upon the will of the people there can be no disfranchisement without absolute injury to the Commonwealth in which the disfranchised persons reside. I know that sometimes some benefit may appear to flow from such disfranchisement, but I point out the fact that long ago—during all of the last thirty years—the white people of the South have built up their civilization, their intelligence, their patriotism, their education, against the ignorant and whatever else pertains to the colored man's character, and some white men also; yet during all those thirty years, with the exception of the brief period following the war, the white man with his intelligence has controlled the Government, and to-day there is in this House of Representatives but a single colored man from all that vast population, and he, I presume, will be the last of his race for many years to come.

By this policy of disfranchisement you make enemies of a race that want to be your friends. You put into the body politic a great body or class of pariahs. You brand them with a condition little short of slavery. I know that the educational systems of the South are to-day liberal to the colored men. Will they always be so? Will they continue? Let us see what you are doing. You demand the disfranchisement of the colored man. Then you say that you do it because he is ignorant, because he might vote against the best interests of the white people.

Are you sure that when you have accomplished that you will not go a step further and deprive him of the educational facilities that are rapidly bringing him up to the standard which you yourselves have set? Take the case of North Carolina, with almost two colored children attending the schools of the State where there is one white child, in proportion to the relative strength of the two races there. Are you quite sure, my friend, that the next aggressive step will not be legislation that will tend to keep in this condition of unfitness, as you call it, these very people whom you are now legislating against? That is my objection. I care nothing about this question of representation in Congress in comparison.

If the people of the North and the East and the West and the rapidly growing sentiment of the South, educated as it is by the

wealth and intelligence of this country, can not protect ourselves against the political power of the South, I am willing to go down in the political vortex that is coming. But what I say to you is that the danger exists that you are transforming a class of friends into a class of registered enemies—enemies of record. I fear that you will have trouble in that direction. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. BURLEIGH. I yield to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, that government wherein all the people meet together to enact laws and select persons to execute them is the ideal "government of the people, by the people, and for the people."

This, however, is impracticable in a country of any considerable number of people. Hence it is that, in addition to delegating the execution of law to certain individuals, the people delegate the power to make laws to certain representatives; hence republican government. The right to participate in the selection of the Representatives who are to make the laws is one of the dearest, if not the dearest, right of the American citizen. In its defense he will sacrifice his money, his property, and even his life, if need be.

We are proud of our Government. We claim to be a nation of *sovereigns*. *Yet* how thin is the toga of representative government in which we so proudly envelop ourselves.

One coordinate branch of our Government is the Supreme Court of the United States. With the selection of this court the people have nothing to do directly. Its members are appointed by the President of the United States, and when once appointed hold for life or during good behavior. The people directly have no say whatever as to the members of this august tribunal, whose decision finally determines what the law is, and whose fiat may overturn the express act of the other coordinate branches of the Government. They are not responsible to the people, and when once appointed are absolutely independent of the appointing power.

The President is selected by the people, and yet here the people vote by States through the electoral college and not directly. He is the head of the executive department of the Government, and he, and not the people, appoints the real executors of the people's will.

The other coordinate branch of the Government and, primarily, the lawmaking power is Congress, composed of the Senate and the House of Representatives. This is supposed to be the citadel of our republican Government. Through this we exercise our sovereignty. With the selection of the Senate, however, we have nothing to do directly. Its members are selected by the legislatures of the different States and are supposed to represent the States themselves.

This leaves us the House of Representatives. Here we find the direct agents of the people. The members of the House represent directly the will of the people of this great country. The people vote directly for them and against them. To them they write, telling all their troubles. Through them they speak and through them they act. They are not only the representatives of the people, but they are the servants and errand boys of the people. Hence it is that a bill looking toward the apportionment of these Representatives to the different States of the Union is one fraught with the greatest importance. It determines for the next ten years the degree in which each citizen shall be represented in his Government and in the enactment of laws by which his rights shall be determined and protected. It also determines for the next ten years the votes that each State shall have in selecting the Chief Magistrate of our country and the head of its executive department. These measures always have been justly considered of vast importance.

The bill reported by the committee has all the importance of previous bills of a similar character, but it is more important for another reason. It contemplates limiting and fixing the number of members that shall constitute the House of Representatives. It not only determines the degree in which each citizen of this country shall be represented in the lawmaking power of the Government now, but it also says that hereafter the House of Representatives shall consist of no greater number than is prescribed in this bill. It does not say this in so many words, but that is the idea of the bill and of the committee.

So it is that at the very threshold of the consideration of this bill we are confronted with a question of transcendent importance. It seems to me that this is one of the most important questions we have ever considered, and it is one that should be determined at the very outset in the consideration of this bill. It is a question that affects every Representative here and every citizen in this Union. You can not say: "The representation of my State is not changed by either bill; therefore we are not interested." You and your people are interested in future representation which is directly affected by this bill. Furthermore, you are interested in seeing justice done as nearly as possible to every citizen of this Republic as well as to those of your own State. Only a short time ago the whole country was aflame over a bill affecting the people of Porto Rico. Many who are indifferent as to these two bills were frantic at legislation which they considered as striking at the liberties of a distant people. That was beneficent legislation. This means the direct curtailment of the highest privilege of every citizen of this Republic.

From the foundation of this Government to the present every apportionment bill has taken into consideration the growth of the country and has increased the representation of the people, with the possible exception of the apportionment bill under the Sixth Census, in 1843, when the number was fixed at 223, a reduction of 17. This reduction was not made, however, with the idea that the House was large enough or too large. At the very next census, however, 1853, an increase was made to 233, and from that time to the present there has been a steady increase. The census of 1863 made an increase over the preceding census of 10; in 1873, of 50; in 1883, of 32, and in 1893, of 31, so that the number fixed at the Eleventh Census was 356, which has been increased by the admission of another State to 357. Even with this constant increase the power of individual citizenship has been decreasing. The substance is gradually becoming shadow. In the First Congress there was 1 Representative for every 30,000 people. To-day there is 1 for every 173,901. One citizen then had almost as much influence as 6 have now.

Under the bill of the committee there will be 1 Representative to every 208,868, while under the bill of the minority it will be 1 to every 194,182. Is not this a sufficient decrease in the representation of the individual citizen? Shall we, the representatives of the people, say now that this representative body shall cease to grow? That, though we have 10,000,000 more people than we had in 1890, they shall have no more Representatives? That, though in 1910 we may have 85,000,000 people, they shall have no more Representatives than when their number amounted to 62,000,000? I can not think so. The nineteenth century has been a most wonderful century for us. Our growth and development have been marvelous. They have surpassed the wildest dreams of the most visionary. In territory, population, commerce, manufactures, agriculture, mining, invention, science, art, education, culture, literature, and in all that makes civilization and a great nation we have rivaled the fables of antiquity.

We enter the twentieth century with a boundless hope and possibilities foreshadowed by the accomplishments of the nineteenth. Shall we mark our legislative advent into the twentieth century with an act pointing to the downfall of representative government? I believe in our Government and in our people. I have no fears of tyranny or empire in this country; but I do say, that, in my judgment, when this nation does go the way of all nations of the past, the beginning of the end will be when the growth of the representative branch of the Government ceases. The further the representatives get away from the people, from the individual citizen, the more insecure our liberties and the more liable our Government to decay. The nearer they stay to the people, the closer they are in touch with the individual citizen, the more stable will be our Government, and the more secure our liberties.

But it is said the House is too large now, and while we will not decrease it, it must not be made larger. Is this true? How does it compare with other representative bodies? Great Britain, with a population of 37,731,410, has 670 members in the House of Commons; France, with a population of 38,343,192, has 584 members of the Chamber of Deputies; Germany, with a population of 49,428,470, has 397 members in the Reichstag; Italy, with a population of 30,535,848, has 508 members in the Chamber of Deputies; Spain, with a population of 17,565,632, has 431 members in Congress, the representative body of the Cortes; Austria-Hungary has a population of 42,762,886 and has two parliaments.

The representative part in Austria has 353 members and in Hungary 453. In other words, the representative branch of every great government in the world to-day is larger than ours, and we have to-day proportionately the smallest representative body in the world. What will our citizens think when they consider that the citizen of England, Germany, France, Spain, Italy, and Austria is more nearly represented than they? What will they think of Representatives who boast of the greatness of our country and the beauties of our Government and then by their votes say our people shall have fewer Representatives than any other great nation of the world to-day? It seems to me that this fact alone should condemn the proposition.

Why would a slight increase in the present membership hinder the dispatch of business in this House? Every member knows that the business of the House is very largely done in committees, and that these committees expedite business rather than the House itself. The increase of even one member on each committee would not hinder nor delay the enactment of legislation. As a matter of fact, it is an open question whether or not there is not too much business done here, rather than too little. It would be probably far better for the country if a great deal of the legislation which is enacted were not consummated. One thing is assured, and that

is that the increase of 10, 20, or 30 members in this body will not unreasonably delay or hinder the passage of any measure of importance to the people.

There is no question but that a great part of the business of this House is done with only a small proportion of its membership present. During this Congress there have been only a few measures that have called forth the entire strength or the greatest membership of the House. It is also true that measures deserving of the consideration of all the members of the House and in which the whole country is interested are given consideration by the entire membership, and, as a usual thing, the full body of the House is recorded upon such measures.

Such was true in the noted Roberts case; such was true in the Porto Rican legislation, and such will also be the case in matters in which the whole people of this country consider themselves vitally interested.

Is it thought that with 30 more members there would have been less dispatch in the Roberts case or there would have been less ready action in the Porto Rican matter than with the 357? I think not. It may be true that there might be a little more independent action upon the part of members of this House if the membership were somewhat increased. As everyone knows, the business of this House is practically controlled by not exceeding a dozen members in this body. They say what legislation shall be considered. They say when it shall be considered. They say whether or not it shall be passed. And especially matters that partake to a certain extent of partisanship are considered in such a way as to almost compel members to vote against their honest judgment.

If an increase in the membership would bring a little more independence of thought and action, it might be much better for the people. The Speaker of the House would have just as much power with an increased number as he has now, and it rests very largely with him to say what legislation shall be considered, when it shall be considered, and whether or not it shall be passed. We have a membership now of 357, the Senate has a membership of 90, and yet in the dispatch of business, in consideration and passage of important measures, the House will certainly favorably compare with the Senate.

It is true that with an increased membership there would also be an increased expense, and yet in a matter that involves the rights of the people and the right of participating in the Government this is a question that should not and will not have any weight with the people. Every man would be willing to pay a little more in order to retain more of that inviolable right of self-government. Furthermore, each Representative in this House now represents about 173,000 people. With 357 members, with the present population, he would represent about 208,000 people. This is as much as any man can reasonably represent and do justice to his constituents, especially where he has a diversity of interests in his district. If you make no increase in the membership, then you will find each member getting further and further away from his people and his constituency, doing less for each one of them, and becoming less and less a representative of the people.

With a gradual increase of membership we keep closer to the people. We know more of their wants and have more time to look after their necessities. It may be that some of the members from some of the districts of this country have but very little to do that directly affects their constituency. They can give their attention to matters of general legislation, but it is different with me. The constituency I represent are directly interested in almost every matter of national legislation coming before Congress.

Is there a River and Harbor Committee? Our people are directly interested in appropriations made by that committee. Is there an Interstate Commerce Committee? We are directly interested in its business, work, and legislation in the way of commerce, lighthouses, life-saving stations, etc. Is there a Military Committee? We have our Army posts and fortifications to look after. Is there a Naval Committee? We have battle ships to build and navy-yards to maintain. We have public lands, arid lands, Indian affairs, forest reserves, and claims of all kinds. We have great mining interests, manufacturing interests, fishing interests, lumber interests, and almost every industry in which the people of any section of this country are interested.

Some say that our Hall is not large enough. If that be true, we must make it larger. Representation in this country can not be restricted by wooden walls. If this room can not be made large enough, the people will say and demand that we shall build another that is large enough. Shall we say that our legislative body and the Government of which we are so proud shall be less than that of the Monarchies of Europe? Shall we say that the participation of the citizen of this country in the administration of its Government shall be less than in the Governments of the Old World? Will we be justified in saylng that the citizen of this country shall have less to say in the enactment of legislation for his Government than a citizen of those countries?

When the number 356 was adopted in 1890 there was no thought then in the minds of the members of the House of Representatives that there should be no further increase except by the admission of new States. There were some, it is true, who thought that the House was large enough, and yet they were very few. Mr. Frank, of Missouri, stated, "But as long as Congress indulges in special class legislation in private bills instead of confining itself to general and national legislation, it is absolutely indispensable that the number of Representatives be increased."

And Representative Taylor said, "And if you will look over the increase in representation made from decade to decade, you will find that we have had to the present membership almost precisely the average number in the increase made from time to time during the last hundred years."

Mr. Tillman, of South Carolina, said, referring to the size of the House and its increase: "It is so in England, from whom we inherit every institution that is worth preserving or worthy of praise," and he was in favor of making the House a body composed of 600 members and the Senate of 300.

What is the object and purpose of an apportionment bill? The Constitution says Representatives shall be apportioned among the several States according to their respective numbers, etc. The object of every bill, of course, is to carry out this provision of the Constitution, and, leaving out now the question as to whether or not the membership shall stay as it is and taking the position that it should be increased and arguing in favor of the bill reported by the minority, let us see which measure comes nearer to carrying out the intention of the Constitution.

The only real question to be considered is that this apportionment shall be made according to population. The power of the State, the wealth of the State, the manufactures of the State have no bearing upon this proposition. The State that has the people is the State entitled to representation, whether it has the material wealth or not.

It has been endeavored in the past to apportion these Representatives by some mathematical system, and the majority of the committee reported in favor of making this apportionment according to the system which they say has been used in the past. That is, to first determine the membership of which the House shall be composed and then apply that number successively to the population of the different States; then again to apply it to the fractions, giving representation to every major fraction and the number determined upon as reached, and then stop.

An examination of the debates in connection with the apportionments in the past and an examination of the tables submitted in the report of the committee show that no system has ever yet been devised that has carried out the provision of the Constitution. It seems to me, from the very nature of things, that it is absolutely impossible to devise a mathematical system by which injustice will not be done. The population of the various States is not based upon any mathematical system. Each one has to be considered independently of the other, and from this naturally results the fact that no mathematical system can be applied to them in this apportionment.

Furthermore, the argument of this question proceeds apparently upon the theory that the people composing these fractions are not represented at all. This is not the case. The Representatives are not apportioned to the districts, but to the States, which are divided into districts so that all the people of the State are represented; and it seems to me that the real difficulty is to secure an apportionment of the Representatives to the State in such a way that when the State is divided into districts there will be as little difference among all the various districts of the State and the nation as possible. In other words, if we could so apportion the Representatives that each district would have exactly the number that could be represented by one member, this would be in exact accord with the requirements of the Constitution. As it is impossible to do this, then it seems to me that we should get as near to it as possible. If we have to do violence to any mathematical system in order to do it, it is but our plain duty to see that it is done, as justice should be placed above mathematics in such a matter.

Now, let us compare the two bills presented to the House. Under the bill represented by the committee the district with the least population would be in Vermont, with a population of 171,820, and the district with the highest population would be in Colorado, with 269,551. Thus the variation between the lowest and highest district would be 97,731 people. By this you see that a Congressman in Vermont represents 171,820 people, while a Congressman in Colorado represents 269,551 people. In the State of Colorado there are 92,451 and in the State of Washington there are 85,966 more people in the district than in Vermont.

Under the bill submitted by the minority the lowest district has 171,820 people, the same as in the majority and in the State of Vermont, and the largest district would be in Rhode Island, with 214,278 people, or a variation between the lowest and highest of only 42,458. Leaving out States with but two Congressmen, the variation in the committee bill is 191,760 for the lowest, West Virginia, and the highest, 231,488, in Maine, or a difference of 39,728;

while under the minority bill the lowest is 173,080, in Arkansas, and the highest is 203,188, in Alabama, or a difference of 30,000. Now, it seems to me that under the minority bill, with so much difference in the variations, the Representatives are more nearly apportioned to the different States in accordance with the spirit of the Constitution than in the majority bill. While it is true that the principle adopted by the majority has been used in the past, yet it never has been used in the way now applied by the majority.

There were two reasons given in 1890 for the selection of the number 356, and they were considered as the main reasons, first, because, taking the number 356 and applying it as a rule which required that no State with a fraction greater than a major fraction should be left without representation for that major fraction. This is not true under the committee bill. In fact, there are three States with a majority fraction for which they get no representation, and the injustice of applying this ironclad rule is manifest when we see that Colorado, with a fraction of 121,367, is given no representation, while Michigan, with a fraction of 123,434, is given an additional Representative.

In other words, 2,067 people in Michigan gives Michigan an additional Representative. It would be much more just and equitable to give to Colorado an additional Representative instead of Michigan, and it would make each citizen of Colorado and Michigan more nearly represented according to the spirit of the Constitution than under the bill of the committee. As it is, it takes 269,551 people in Colorado for 1 Representative, while in Michigan it only takes 201,748 for 1 Representative. As a matter of fact, the rule adopted by the majority, if applied at all, should give increased representation to the smaller States having the majority fraction, first, because their fraction will be divided among fewer Representatives than in the larger States, and in this way the relative influence of each citizen in the conduct of the Government would be more nearly equalized.

The apportionment in the minority bill is made in accordance with the rule of the majority, except that, in order to take care of two major fractions, the bill arbitrarily gives 2 Representatives to two different States. This has been in the interest of justice. Of course, according to the majority's theory, this does an injustice to other States, and this arises from the argument that a major fraction is not represented at all if no Representative is allowed for it. But when we go to divide the States into districts in accordance with the bill of the minority we find that the districts are more nearly of a uniform size than under the bill of the majority.

The unreliability of this so-called system is glaringly illustrated in the fact that if the membership of the House should be fixed at 356, or less, Colorado would gain a member; if fixed at 357 she would not gain a member, and if fixed at 358, or more, she would gain 1 member.

The honorable chairman of this committee, in order to show the injustice of the Burleigh bill, took 173,617, the number of persons to which 1 Representative is accorded under the Burleigh bill in Maine, and applied it to the States of New York, Pennsylvania, Illinois, Massachusetts, Minnesota, Ohio, Texas, and Iowa, and by computation showed that if each of these States were given a Representative for each 173,617, they would be entitled to more Representatives than are given each of them by the Burleigh bill. He claimed that this was very unjust and appealed to them for their votes on behalf of his bill by reason of this alleged injustice. He refused to make any comparison with the number of people that his bill requires in the State of Washington to make 1 Representative, to wit, 257,786. He refused to show that by applying this ratio to each of these States they would be really entitled to a much smaller number of Representatives than are given by his bill.

But let us take exactly the same method of argument upon his bill that he took upon the Burleigh bill and see whether or not he has acted fairly by these large States according to his own argument. Under his bill Vermont has 1 Representative for every 171,820 people. Now, let us apply that same ratio to each of these other States, because if Vermont is entitled to 1 Representative for each 171,820 people, should not each of these other States be entitled to 1 for that number? They should according to his argument.

How does his bill treat them? Applying this ratio to New York it would be entitled to 42 Representatives; he gives it only 35. Pennsylvania would be entitled to 36, and that without counting fractions; he gives it only 30. Illinois would be entitled to 28; she gets 23. Iowa would be entitled to 12; she gets 11. Minnesota would be entitled to 10; she gets 8. Massachusetts would be entitled to 16; she gets 13. Texas would be entitled to 17; she gets 15; and carrying it further, Missouri would get 17; she gets 15. Wisconsin would get 12; she gets 10. California would get 8, with a large fraction; she gets 7. Michigan would get 14, while she gets 12. Indiana would get 14; she gets 12. Colorado 3, with a large fraction, but she gets 2. Florida 3, and she gets 2. The States of North Dakota, Montana, Maine, and Connecticut with their population would be entitled to 12; they get 9. Colorado, Florida, and Washington would be entitled to 10, giving 1 for the major fraction; they get 6.

If the Burleigh bill is in the frying pan the Hopkins bill is in the fire.

It seems to me that the proper method to make this apportionment is by determining the ratio of population for each Representative and apply this ratio to each State, taking the number resulting therefrom and add to it 1 Representative for each major fraction. This is a simple rule. It is a just rule. It is easy of application. It involves no paradoxes and does substantial justice to all as nearly as can be, and is constitutional, as stated by Mr. Webster.

If you take 194,000 as the ratio for each Representative, then giving one Representative for each 194,000 and major fraction would give a membership of 387 and would leave no State with a major fraction for which no Representative is given. Under such an apportionment the representation would be just as it is in the Burleigh bill with the exception of Iowa, which would have 12. Under this apportionment the State with the largest number of people to each Representative would be Rhode Island, with 214,278, or a variation of 20,278 above the ratio. The State with the fewest number of people to one Representative is North Dakota, with one Representative for 157,217, or a variation below the ratio of 36,773. Total variation between the highest and lowest districts, 57,051. Under the Hopkins bill the highest number of people to one district is in Colorado, with 269,551, or a variation above the ratio of 60,633, while the State with the lowest district is Vermont, with 171,820 people, or a variation below the ratio of 37,048, or a total variation between the highest and lowest districts of 97,681.

Leaving out the small States with 4 Representatives and under, we find the following extreme variation under this method of apportionment:

Alabama has 1 Representative for 203,188, or a variation of 9,188 above the ratio, while Nebraska, with 178,089 people to 1 Representative, or a variation below the ratio of 15,911, or a total variation between the highest and lowest of only 25,099. Under the Hopkins bill South Carolina has 1 Representative to every 223,386, or a variation of 14,518 above the ratio, while West Virginia has 1 Representative to every 191,760, or a variation below the ratio of 19,108, or a total variation between the highest and lowest districts of 33,626.

If you give 1 Representative for every 194,000 and major fraction you have a House of 387 members, and give full representation to 151,770 more people than under the Burleigh bill. And you violate no mathematical system in so doing. By adding 1 more member to the Burleigh bill for the large fraction belonging to Iowa you accomplish the same thing so far as representation is concerned, except that still you give full representation apparently to 55,919 less people than by the above method. In fact, however, you give each State exactly the same representation, and therefore the result is exactly the same. In the one case the result is brought about entirely by a mathematical system. In the other you follow the mathematical system a certain length, drop it, and then add the other Representatives arbitrarily, but in the interest of justice.

If you apportion the Representatives by giving 1 for every 210,500 and each major fraction, you will have a House of 358 members and give full representation to 344,474 more people than by the Hopkins bill. Does not that come nearer to giving substantial justice? No State is left with a major fraction unrepresented nor is any mathematical system violated. Why did not the majority of the committee take this method, and provide for a House of 358 members rather than of 357? Were you afraid to increase the House by one more member? Did you think he would add very much to the uproar of which you so much complain? Would he cause the Speaker much more trouble? Would he bind more tightly the rules of this House about the gentleman from Iowa? Would it not have been more just, would it not have been more scientific, if the committee had framed its bill in this way? It seems to me so.

Now, Mr. Speaker, even if I were opposed to the further increase in the membership of this House, I could not support the Hopkins bill. In my judgment this bill is not only unjust, unfair, and paradoxical, but it is also unconstitutional. The committee, in their report, state that their method was favored by Daniel Webster, and have quoted from a report made by him. It seems to me that Mr. Webster is practically against the position of this committee. They have left out three States with major fractions. Mr. Webster said that this was unconstitutional.

In this report which they quote he used this language:

> And the exact proportion of the State, being thus decimally expressed, will also show to a mathematical certainty what integral number comes nearest to such exact proportion.

Clearly stating that each State is entitled to that representation which comes nearest to this decimal fraction. He further said, as shown by the report of this committee:

> The rule adopted by the committee says out of the whole number of the Congress that number shall be apportioned to each State which comes nearest to its exact right according to its number of people.

This bill does not conform to that rule. It does not give to Colorado, Florida, and North Dakota the number of Representatives which comes nearest to the exact right of each one of these States, and therefore it is unconstitutional. Mr. Webster stated in his report the following, which is not contained in the report of this committee and which clearly explains his position:

The rule has been frequentiy stated. It may be clearly expressed in either of two ways. Let the rule be that the whole number of the proposed House shall be apportioned among the several States according to their respective numbers, giving to each State that number of members which comes nearest to her exact mathematical part or proportion; or let the rule be that the population of each State shall be divided by a common divisor, and that, in addition to the number of members resulting from such division, a member shall be allowed to each State whose fraction exceeds a moiety of the division.

The exact proportion of Missouri, in a general representation of 240, is 2.6—that is to say, it comes nearer to three members than to two, yet it is confined to two. But why is not Missouri entitled to that number of Representatives which comes nearest to her exact proportion? Is the Constitution fulfilled as to her while that number is withheld, and while, at the same time, in another State not only is that nearest number given, but an additional member given also? Is it an answer with which the people of Missouri ought to be satisfied when it is said that this obvious injustice is the necessary result of the process adopted by the bill? May they not say with propriety that since three is the nearest whole number to their exact right, to that number they are entitled, and the process which deprives them of it must be a wrong process?

It is true that there may be some numbers assumed for the composition of the House of Representatives to which, if the rule were applied, the result might give a member to the House more than was proposed. But it will always be easy to correct this by altering the proposed number by adding one to it or taking one from it, so that this can be considered no objection to the rule.

When the bill that made the present apportionment was before the Senate in 1891 this same matter was under discussion. That great Senator from Minnesota, a statesman and a Constitutional lawyer, respected and honored by this whole country and now gone beyond the river, in discussing this same question argued for justice rather than mathematical precision. He even held that States with larger minor fractions should be represented. To his mind justice was far more important than the carrying out of the mathematical system. He stated his opinion clearly as to what rule should be followed in the following language, to wit:

Mr. President, I hold the true rule to be (of course, keeping always within the bounds of a proper number of Representatives for an excess, and an unwieldy number can not be thought of for a moment) to consider that number which will leave, or approximately leave, the largest unrepresented fraction after everything has been taken up, absorbed, and accounted for. And the very fact that pausing at 356 leaves three great States in the position which I have indicated is, in my judgment, a sufficient, ample, and convincing reason to sacrifice the process to the constitutional end to be attained, instead of sacrificing the constitutional end to the integrity and symmetry of the process.

In discussing the constitutional matter, and no question can be made as to his authority as a constitutional lawyer, he further stated:

Otherwise stated, Mr. President, if it is constitutional to award to one State or to several States membership on account of a fractional remainder of a moiety or more of the ratio, it is unconstitutional in any instance or upon any pretext to deprive another State having such a moiety or more, but less than the favored State, for no other reason than that the process does not, to use a homely phrase, furnish enough to go around. In such a case representation is apparently apportioned according to numbers as to certain States, and is unquestionably not apportioned according to numbers as to the State that is thus deprived.

The Congress of 1872 went much further than the Burleigh bill asks this House to go, and was in harmony with the idea of Senator Davis in giving representation even to minority fractions.

Under the act of February 2, 1872, no State lost a member except the States of New Hampshire and Vermont, and in the report upon the supplemental of March, 1872, the committee said:

The recent action of Congress in increasing the size of the House to 283 in order to save 8 States from a diminution in the number of their Representatives has induced the committee to recommend a further increase of 9 members, making the whole number 292, which is believed to be the smallest number that upon an equitable and constitutional apportionment will leave each State with at least its present representation. New Hampshire and Florida each had less than a moiety fraction, but the committee stated, "the committee assigned 1 to New Hampshire and 1 to Florida, making in all a House of 292." The reason for this is that greater injustice will be done these States by not giving it the additional Representative than to the other States by giving it.

This bill became a law.

For these reasons, Mr. Speaker, I am opposed to the Hopkins bill. It is unfair, it is unjust, it is paradoxical, and it is unconstitutional. The Burleigh bill is fair, it is just, and it is according to the spirit of the Constitution. [Loud applause.]

Mr. BURLEIGH. I yield the balance of my time to the gentleman from Indiana [Mr. GRIFFITH].

Mr. GRIFFITH. Mr. Speaker, I yield ten minutes of the time to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Speaker, I had not intended to say anything on the subject of the resolution introduced by the gentleman from Pennsylvania [Mr. OLMSTED], but in his explanation of his action, which action tended to degrade and humiliate the people of the South, whom I in part represent on this floor, he said apologetically in effect if not the exact words, and in extenuation of his action, and to show that he bore no malice against the South, that he had married a Southern woman and that the blood of his infant sons was at least half Southern.

Having mentioned his family himself, I may be pardoned for saying that it must have chilled the pure blue Southern blood that flowed in the veins of that portion of his family when it was known that he was the first man to rise in this House and reopen sectional strife. I venture to say that when he has had more experience with the South he will have the feeling which would stay the hand that to-day would strike down a chivalrous and a noble people; and he is not too old to live long enough to wish that the resolution he introduced should be expunged from the records of this House.

The logical end of all such agitations is negro domination in the South, which is hell on earth to the white men on the one hand or a race war on the other. It means the reinstallation of the carpetbagger; it means the reinstallation of that bastard son of an abortion that was produced by a great revolution—a despicable, loathsome, putrid agent of the demon of darkness and corruption. It means the coming of a buzzard gluttoned with carrion, the descendants of those who, thirty-five years ago, fastened their talons in the prostrate body of the South, like those pitiless birds that fed upon the vitals of Prometheus when his helpless form was chained to his rock.

Yes, it means the return of those buzzards, gluttoned with carrion, that are to-day following the calling of their diabolical daddies in Cuba, the Philippine Islands, and in Porto Rico, who exude such an odor that a mosquito shuns them. Yes, they are so mean that the yellow-fever germs die in their presence. [Laughter.] They are so loathsome that the smallpox microbes fly from them, and if a snake bites one of them it kills the snake. [Laughter.]

This is the picture that I would avoid. This is the picture that the Olmsted resolution would draw. If the gentleman from Pennsylvania believed it, I know he would withdraw the resolution. Their financial acumen consists in Rathbonizing freedmen's funds without detection, in Neelyfying negroes' wages without being caught. That is the condition of things that we must expect to find when we pass such resolutions.

As for the Shattuc resolution, it seems that neither that nor the Olmsted resolution will pass. They will not pass until the fish worm swallows the whale; not until the hare is outrun by the snail; not until Dutchmen stop drinking beer, and not until the billy goat butts from the rear. [Laughter.] My friend SHATTUC; yes, he introduced these resolutions, but I am surprised that they should come from him, because such resolutions do not come generally from a chivalrous soldier.

Usually such resolutions emanate from a man who has never heard the rattle of musketry or the shriek of shell. The gentleman from Ohio [Mr. SHATTUC] and I shot at each other from 1861 to 1865—figuratively speaking, anyhow. When an old Confederate soldier has an ounce or two of Federal lead in his body, as I have the honor to have, and when a Federal soldier has his gravity increased by an ounce or so of Confederate metal, as I assume his gravity is, then it warms their hearts to each other, and neither would degrade the other if he could. So I was surprised at the gentleman introducing this resolution, because such things are left generally to camp followers and bombproof experts.

But it seems that his resolution ran into the resolution of the gentleman from Pennsylvania, and it seems that the Pennsylvania resolution ran into his, and so it was that a paroxysm of pain occurred to both, as the éclat expected by each was smashed. It reminds me of the two bicycle riders who were going along Pennsylvania avenue a short time ago. Both were cross-eyed and did not know exactly what they were going to strike. Like these two bicycle riders in this House, they came up smash against each other. One fell one way and one fell the other. The first one said, "Why the hell didn't you look where you were going?" The other one got up and said, "Why the hell didn't you go where you were looking?" [Laughter.]

I want to say to this House now that solemnly they got up here and bound themselves to give me thirty minutes, yet here I am cut off with a paltry twelve. Who can enlighten this House in twelve minutes? [Laughter.] Here, sir, I have been waiting to enlighten this body. Now, Mr. Speaker, I want to say that I was entitled to the time of a committeeman, one hour, and I called the attention of the gentleman to it who had the division of the time; but, I said, "I will only use forty minutes of it." He said, "Sir, I will guarantee you thirty minutes." When the time came I did not rest entirely on that, but I got up and told the chairman that I would object to any arrangement unless he would give me thirty minutes. He said, "You will be taken care of."

The action of that committee and the action of that gentleman who controls the time on this side and the action of Mr. HOPKINS bound this House to give the "gentleman from Virginia" thirty minutes. Now, are you going back on it? If you do, let any man rise in his place and say so. I wait for a reply. There is none. [Laughter.] Therefore I have thirty minutes. Now, having thirty minutes, I will proceed to discuss the bill. [Laughter.]

The SPEAKER. The time of the gentleman from Virginia has expired. [Laughter.]

Mr. OTEY. Mr. Speaker, have I not the unanimous consent of the House for thirty minutes?

The SPEAKER. The gentleman's request has not been submitted.

Mr. OTEY. I ask unanimous consent, then, for twenty minutes and that the time for taking the vote be extended until half past 3. This House has not heard me on this bill, and members do not know what they are missing. [Laughter.]

The SPEAKER. The gentleman from Virginia asks unanimous consent that the time for debate be extended until half past 3, he to have fifteen minutes of the time. Is there objection?

Mr. HOPKINS. Mr. Speaker, I am very sorry that the conditions are such that I shall be compelled to object. When the arrangement was made the time was equally divided, and my understanding was that the gentleman stated that the other side would give him thirty minutes.

Mr. OTEY. No, sir; you told me that I should have it.

The SPEAKER. Objection is made.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. I ask the gentleman from Illinois what is the special haste about getting a vote on this bill to-day?

The SPEAKER. That is not a parliamentary inquiry.

Mr. OTEY. When framing any law due regard should be paid to the paramount natural law. Legislate in violation of the natural law and you attempt a miracle. There is no power outside of the limitations of natural law.

Race prejudice or antagonism is a natural law, and as unchangeable as the law of gravitation. Its purpose was to preserve the integrity of the species by placing in the breast of every distinct creation antipathy to all the rest. Without this safeguard human races would long since have degenerated into a conglomerate race of mongrels; deteriorating till extinction would have purged the world of such monstrosities. No one knows this better than the gentleman from North Carolina [Mr. PEARSON]. If not so, why does a white man or woman not marry the negro?

The theory is occasionally advanced that the antagonism between the races is due to the prejudice based upon the negro's former condition of slavery. In refutation we cite the fact that all white communities entertain a deep feeling of sympathy for the negro while he resides elsewhere, but send him to his friends in sufficiently large numbers to make his presence felt and the same natural aversion and discrimination soon develop. The former free States of the Union worked themselves into a state of fine frenzy on account of the wrongs committed upon their brother in ebony in the former slave States. We sent him to them.

The more we send the less we hear of Southern atrocities, and, strange to say, there is occasionally wafted to us intimations of race riots and lynchings north of Mason and Dixon's line. Have the morals of our former mentors become more lax since the time when their publicists and editors wasted their ink and exposed their ignorance? Or, does a fellow-feeling make us wondrous kind?

Is there no solution of the problem consistent with political equality and absolute justice? None whatever.

Justice itself is merely relative. It can exist between equals. It can exist among homogeneous people. Among unequals—among heterogeneous people—it never has and, in the very nature of things, it never will obtain. It can exist among lions, but between lions and lambs, never. If justice were absolute, lions must of necessity perish. Open his ponderous jaws and find the strong teeth which God has made expressly to chew lamb's flesh! When the Society for the Prevention of Cruelty to Animals shall have overcome this difficulty, men may hope to settle the race question along sentimental lines—not sooner. So much for the negro.

These thoughts on the negro are from the pen, in the main, of one who has studied the negro question, and it was after I heard the gentleman from North Carolina, and after the introduction of the Crumpacker bill, that they occurred to me peculiarly appropriate.

Now, as to the bill under discussion.

Mr. Speaker, since Mr. Lincoln uttered those striking words, we have been wont to repeat that ours is a "Government by the people, of the people, and for the people," and any casual observer, without considering the details of the matter, would at least infer that the people of this great and free nation had more to do directly with the administration of affairs of government than the people of any other enlightened country on the globe.

It is a notable fact, however, that of the hundreds of thousands of officials who do administer the functions of government in this great Republic, the only single one for whom the people can directly vote is their Representative in the House of Representatives—their member of Congress.

He may, indeed must, delegate to another all right of which he may be possessed to vote for President and Vice-President, but he has no voice as to who shall hold the powerful positions in the Cabinet, none as to who shall be the Chief Justice and associate justices of the Supreme Court, or United States judges of circuit or district courts; ambassadors, ministers, or consuls abroad; Senators of the United States, collectors, customs officers, marshals, postal and other minor officials—not even indirectly a voice as to who shall be a fourth-class postmaster, except he has the right of petition, which is accorded criminals.

It seems strange that such conditions should exist in our Republic, and this Hopkins bill—I call it Hop bill for short—proposes to further curtail the rights and abridge the power conceded the people without any good and sufficient reason why this wrong should be inflicted. Answers to such an inquiry come—

First. Expense. I was not a little surprised, coming from the source reported—this side of the Chamber—that the question of expense had been raised, that the addition proposed in the substitute bill would largely increase the burdens of the taxpayer. I would pass this by without comment except for the very narrowness of the contention.

The increase of 29 members under the Burleigh bill is an increase of eight-tenths of 1 per cent of the membership, and would entail the monumental burden of two-tenths of 1 cent per capita of the constituencies of this country, and I hardly think such "straining at a nickle gnat and swallowing a $2,000,000 camel" worthy of further notice. Like a narrow-necked bottle, the less there is in it the more fuss it makes in getting it out.

To my Democratic friend I would say that—

Second. It is urged that 357, provided for in the Hopkins bill, will leave the electoral college practically as it now stands, while 386, as in the substitute bill, will give the Republicans a net gain of 10 over that which now obtains. This may have a tendency to make some of them favor the Hopkins bill. It is clear that both suggestions assume that such States as New York, New Jersey, Connecticut, Indiana, West Virginia, Kansas, South Dakota, and perhaps others are to remain forever, or at least ten years, Republican.

If this be so, then Democrats are no worse off with 387 than with 357; for as the electoral college now stands, what hope can Democracy have with the above States, or even half of them, Republican?

It is, however, wonderfully strange that the Republican leaders in this House have been unable to perceive this great advantage to be gained under the 386, or substitute bill. If 386 is to give their party an irrevocable deed to the electoral votes of certain States that will give them a permanent gain of 10, does anyone for a moment suppose that they would be so blind as not to see, so deaf as not to hear?

No one accuses them of any want of political sagacity and of that unselfish devotion to abstractions that would make them forgetful of practical politics. They are not so steeped in the wealth of patriotism as to permit their party fealty to be ruthlessly ravished. They know the difference between a bone and a banquet.

Third. It is contended that this Chamber is too small to admit of 386 membership. Can it be possible that statesmen fail to recognize that a new life begins with every second, and with it new and greater responsibilities; and must it be said that men of broad minds propose to measure these increasing and momentous responsibilities so as to make them conform to the number of square feet in a room?

It is not the size of the human body that measures the soul within; it may be domiciled in the frame of a giant and yet be so small as to rattle in a mustard seed; and yet the big soul and broad mind may be crowded in the body of a pigmy and still possess the divine fire of Him in whose image it was created.

You forget that the cramped space and damp-stained walls of the attic are sacred to the memory of noble names, and, as I remember to have read, that Haydn grew up in one; Addison and Goldsmith plied their pens in such lofty abodes; Dickens was no stranger to them; Hans Andersen dreamed his fancies beneath their sloping roofs, and Burns, Hogarth, and Watt made garrets nurseries of genius. They counted not on square feet.

Fourth. We are told that the loss of representation is not hurtful and is nothing uncommon. We are referred to the fact that Massachusetts once had 20 members of Congress and was cut down to 10, that Virginia had 23 and was abridged to 9, and that the plan suggested by a majority (of one) in the committee has the sanction of sixty years ago. But I may be permitted to remark that the past is gone from us forever. It is "gathered and garnered."

It is the glamour of the past that makes antiquated beings prate so much of the days when they were young, and it is the mirror of long ago that reflects the images of the impossible and impracticable. The world is pictured as getting worse and worse since it was created and as a most delightful abode when it was thrown open to the public. I shall expect to hear the venerable chairman of the Census Committee yet proclaim that sixty years ago the moon was like a drunkard, always full, and, like a diamond, shone brightly three hundred and sixty-five nights in the year. However, it should be remembered that in every apportionment made since 1793 increased representation has been accorded by this

House, and we are not even following precedent, and the Hopkins bill has not the sanction even of sixty years, as claimed.

But the past belongs to us no more, and we are not now moving in the plane of threescore years ago. If so, let us discard the advances made in steam, heat, light, and electricity, and resume the stagecoach and rowboat, the sickle and wooden plow; destroy the locomotive and steamship, the reaper and binder and the cotton gin, the telegraph and telephone, and forget that we produced a Franklin, Fulton, and Eli Whitney, a McCormick and Morse, Edison and Bell, a Maury, Peabody, and Goodyear, with scores of others who together formed the most brilliant galaxy of the nineteenth century. Sixty years ago, indeed! Ever since Adam's sixty-first birthday the cry has been, "Give us back the good old days of sixty years ago."

Common sense is our best guide, and in these times of great progress there should be no retrograde movement, out of respect for the loose-robed fathers of the past, who lived in "sun-kissed tents amid lowing herds, while the earth was not yet laden with trouble and wrong," and before there was a free people. No valid or substantial reason has been given or can be adduced for forcing the loss of a single Representative on any State, and this sixty years cry has less of force in it than any attempted. If there was good cause for 10 Representatives ten years ago, there is more cogent reason for it now.

Where it so happens that a State has so increased in population as to warrant an increase in representation, the substitute bill accords it, and no injustice can be done them by not reducing representation in a State whose population has not decreased.

We profess to be nearer the people, and to be the most liberal to them (and as I said in the outset, a Government of the people, by the people, and for the people), and when we find that empires, kingdoms, and monarchies give more liberal representation than we do, it is in order to inquire what can justify such abridgment of the people's rights as is provided for in the Hopkins bill.

Glancing at the tables which I read, it is seen that every one of the great powers of Europe gives more liberal representation than we do. Every one of them is more densely populated than we are. Every district has a smaller area than our districts have, thus rendering the labors of a representative in a marked degree less burdensome and easier to be performed.

These tables show that under the substitute bill our ratio will be 60,000 more than the largest in Europe; under the Hopkins bill our ratio will be 76,000 more than the largest in Europe; under the substitute bill our ratio will be 153,000 more than the smallest in Europe; under the Hopkins bill our ratio will be 167,000 more than the smallest in Europe.

The chairman says that 395 is the only number that will do equal and exact justice to all. Now, if this be so, why not make it 395? Who will be hurt by it? Talk of the House becoming a mob because of increasing it 38! Will he accept an amendment to this effect?

And then all this scientific figuring! Everybody knows that it is proven with mathematical exactness by figures, that the asymptotes of the hyperbola gets nearer and nearer it constantly, and yet never reaches it, which in practice is absurd.

Country or nation.	Population (discarding fractions).	Number of representatives in lower house.	Number of population to each representative.	Population per square mile.	Number of square miles to each representative.
Great Britain	40,500,000	670	61,000	318	180
France	38,500,000	584	66,000	188	349
Italy	32,800,000	508	63,000	287	220
Hungary	18,900,000	453	41,000	140	320
Prussia	31,800,000	433	74,000	237	310
Spain	17,500,000	431	41,000	88	459
Austria	28,900,000	425	52,000	206	273
German Empire	52,000,000	397	132,000	250	527
United States:					
Now	75,500,000	357	208,000	21	a 8,000
As proposed	75,500,000	387	194,000	21	a 7,600
Now, including Alaska	75,500,000	357	208,000	21	9,770
As proposed	75,500,000	387	194,000	21	9,040

a Not including Alaska and Indian Territory.

Number of square miles represented by each member of the lower house in each nation.

Great Britain	180
Italy	220
Austria	273
Prussia	310
Hungary	320
France	349
Spain	459
German Empire	527
United States:	
Not including Alaska and Indian Territory—	
At 357, present number	8,000
At 387, proposed number	7,600
Including Alaska and Indian Territory—	
At 357	9,770
At 387	9,040

The chairman says those States that lose are the ones making all the opposition to the Hopkins bill. Well, how about those who gain under the fermenting influence of the Hopkins bill—for short, the Hop bill.

It is well known that members have more than they can now efficiently attend to. If we had a membership that would justify each member being on only one committee, who doubts that the work before committees would be greatly expedited. Then, too, why should not Congress meet on the 4th of March—the day their pay begins—and attend to public business, and not wait till December and have a short session, when nothing beyond appropriation bills can be attended to.

This table shows the States affected by the apportionment bills, the figures opposite each showing the present voting strength in the House:

State.	Present membership.	Under Hopkins bill.		Under substitute bill.	
		Gain.	Loss.	Gain.	Loss.
Arkansas	6			1	
California	7			1	
Colorado	2			1	
Connecticut	4			1	
Florida	2			1	
Illinois	22	1		3	
Indiana	13		1		
Kansas	8		1		
Kentucky	11		1		
Louisiana	6	1		1	
Maine	4		1		
Massachusetts	13			1	
Minnesota	7	1		2	
Mississippi	7			1	
Missouri	15			1	
Nebraska	6		1		
New Jersey	8	1		2	
New York	34	1		3	
North Carolina	9			1	
North Dakota	1			1	
Ohio	21		1		
Pennsylvania	30			2	
South Carolina	7		1		
Texas	13	2		3	
Virginia	10		1		
Washington	2			1	
West Virginia	4	1		1	
Wisconsin	10			1	
Total	282	8	8	29	

States which neither gain nor lose by either bill.

	No. of members.		No. of members.
Alabama	9	Oregon	2
Delaware	1	Rhode Island	2
Georgia	11	South Dakota	2
Idaho	1	Tennessee	10
Iowa	11	Utah	1
Maryland	6	Vermont	2
Michigan	12	Wyoming	1
Montana	1		
Nevada	1	Total	65
New Hampshire	2		

This country may be likened to a great corporation having been organized for certain specific purposes, with 15,000,000 stockholders. Unlike most corporations, it is a pauper, except that by the vote of the stockholders it may collect money out of their pockets for said purposes, and it has no right to acquire money in any other way. In order that these stockholders may have an eye to their own weal, they periodically assemble and a president, vice-president, and board of directors are selected, who in turn select the officials to administer the affairs of the corporation. It has a constitution and laws limiting the powers of officials. So every four years we elect a President and Vice-President, and every two years a board of directors (which we call the House of Representatives), and this board, together with a select board (which we call the Senate), constitute the board of managers.

Each stockholder (or voter) holds exactly the same amount of stock, and it is a criminal offense for him to sell, transfer, or in any way to part with it. He has the same power in selecting the board of directors as any other stockholder, but this power is circumscribed and confined to the selection of only one member of the board. That is to say, he can vote for only one, but still he has an equal power with others in determining as to how much money must be taken out of his pockets to maintain the corporation and as to how it is to be expended.

The man that sweeps the streets has as much legal power therefore as a Rockefeller, and the hod carrier can neutralize the power of a Vanderbilt in this respect. Why, then, should he be shorn of an atom of this one single right? If it was as it is in Great Britain, he would have three and one-half fold more; as in France, threefold; as in Germany, one and one-half fold.

But it seems that such concessions are not to be given him, but on the contrary, "that which he hath" is to be taken away. The

Hopkins bill, read between the lines, in effect says of the individual stockholder or voter:

First. He has too many privileges now and he must be deprived in part of that modicum of the distributive fluid called power now possessed by him, it being to subtle for his limited intelligence.

Second. That in fact he does not understand its use, and since this has been made manifest the less he has of it the better.

Third. That the personal comfort of members of Congress must be provided for before his rights are considered, and the sanctity of this august Chamber must not be encroached upon by any larger numbers.

Fourth. That the present dimensions and the fragrance of the foul air pervading it are to be maintained, notwithstanding artificial means have to be resorted to in order to pump the pure air of heaven into its recesses, in the midst of which not a ray of the sun ever penetrates.

Fifth. That business will be impeded if we accord him the full measure of his rights (but what business the deponent sayeth not).

Sixth. His burdens of taxation will be increased if any other bill or the substitute bill prevails (I may reiterate 2 mills per head of constituencies), forgetting that no taxation can be imposed without the consent of Representatives, and the more liberal the representation the more guarded the immunity from wrong.

Seventh. That complaint will proceed only from denizens of attics, tenements, and those who follow the plow, wield the pick, ax, hammer, and saw—the emblems of poverty, but the implements of the acquisition of wealth—and it does not matter if they are abridged in power.

Eighth. Paraphrasing Vanderbilt, it virtually says, the "common people be damned;" who cares whether or not to them "life be worth living?"

Carry out such a theory as the Hop bill provides to its legitimate end, and to what will it come? Not only to the abridgment of power now lodged in the people, but to a centralization of power in the hands of the few, which was the dream of Hamilton, and which found in Jefferson its most formidable antagonist and implacable foe.

It will not be long when its influence will percolate into State autonomy and the power of governors and legislatures therein will be a memory. Why have any at all? Why not a privy council, county lieutenants, a few messengers, which together would perform governmental functions?

I know, of course, that Congress has nothing to do with such things now, but go on diminishing the power placed in the hands of the people (who form the bone and sinew of the land) when it is our duty to enlarge and extend it, and how long will it be when we will have a "government only of the few, by the few, for the few."

The unit of local self-government in the North, especially in New England, is the rural township, governed directly by the voters who assemble annually (or oftener, if necessary) and legislate on local affairs, levy taxes, make appropriations, appoint and instruct selectmen, clerks, school committees, etc. Townships are grouped to form counties, each with a commissioner and other paid officials.

In the South counties are generally the units, though subdivided for educational and other specific purposes, and certain officials have additional functions, such as the care of the poor, superintendence of schools, etc.

In the Middle and Western States the two systems are blended, the public lands in the West having been divided into townships 6 miles square.

Why keep up all this expensive machinery?

We now have the advantage of the full distribution of power in State governments, which is the sheet anchor of our liberties. Home rule and local self-government in the States are assured as long as this distribution of power is not diminished. The Hopkins bill does not, and under the Constitution can not, deal directly with this subject except so far as the State is interested in its representation in Congress. It strikes a blow at this, and if the insidious want of principle which underlies this bill is to become all-pervading, how long will it be when county and State lines will be obliterated and any apportionment no longer necessary?

God forbid that this day will ever come; but the more you abridge the power of the people, which the Hop bill does, the nearer such a day approaches. Let us hope that, like the comet that has passed its perihelion, it is off on its hyperbolic orbit, continually approaching its aphelion, but like the asymptote which never reaches the curve, though constantly nearing it, it may follow its example.

But coming back to a comparison with other nations, I observe that in Great Britain one-sixth of her population vote; with us one-fifth of ours perform this function. Now, if we should adopt the ratio which Great Britain accords her people with one-sixth voting population, we would have to-day 1,246 Representatives in this body, where we have only 357 under our ratio.

But if Great Britain should adopt our ratio with our one-fifth voting population, she would have 192 in the House of Commons, where she now has 670.

Each representative in Great Britain covers an area averaging 178 square miles, while each member of Congress covers an area in his representative capacity (not including Alaska) averaging 7,600 square miles.

Area and density of population seem to be entirely lost sight of in the Hop bill. A Representative of the people in the United States not only represents more people than the representative of any other enlightened nation on earth, but he has to get over more square miles to attend to the wants of his people, and hence has to undergo more labor to properly represent them than any other.

He represents now 112,000 more people than a representative in Great Britain does, and under the Hop bill he will represent 147,000 more; he represents now 107,000 more people than a representative in France does, and under the Hop bill he will represent 142,000 more; he represents now 110,000 more people than a representative in Italy does, and under the Hop bill he will represent 145,000 more; he represents now 132,000 more people than a representative in Hungary does, and under the Hop bill he will represent 167,000 more; he represents now 99,000 more people than a representative in Prussia does, and under the Hop bill he will represent 134,000 more; he represents now 133,000 more people than a representative in Spain does, and under the Hop bill he will represent 167,000 more; he represents now 121,000 more people than a representative in Austria does, and under the Hop bill he will represent 156,000 more; he represents now 41,000 more people than a representative in the German Empire does (I mean in the popular branch of the legislative body of the Empire), and under the Hop bill he will represent 76,000 more.

As to density of population, compare only the two great English-speaking nations. England and Wales have 495 of the 670 members of the House of Commons. The urban population (1890) was 70 per cent, while in the United States it was 29 per cent (census of 1890 is used, as England's census of 1900 is not before me). In England and Wales 22 per cent lived in cities of 250,000 and upward; 9 per cent lived in cities of 100,000 up to 250,000; 9.6 per cent lived in cities of 50,000 up to 100,000; 12.6 per cent lived in cities of 20,000 up to 50,000; 8.3 per cent lived in cities of 10,000 up to 20,000; 8.9 per cent lived in cities of 3,000 up to 10,000.

That is to say, the rural population in England and Wales is 30 per cent and the urban population is 70 per cent, while in the United States the rural population is 71 per cent and the urban population is 29 per cent—conditions almost exactly reversed. In England and Wales there are 358 towns of over 10,000 population; in the United States there are 448 towns of over 8,000 population.

Thirty-two large towns in England and Wales, not including London, have a population of 7,588,536, with an area of 543 square miles—13,900 people per square mile—with 123 members in the House of Commons. New York, with about the same population now, with an area of 48,000 square miles—126 people per square mile—has 34 members in this House.

I do not hesitate to affirm that 34 Representatives could more effectively attend to the wants of 7,500,000 people in an area of 543 square miles than 123 could in an area of 48,000 square miles, yet the conditions are reversed and will be accentuated under the Hopkins bill.

Examine, if you please, some grouping of States, and compare results with England and Wales.

No. 1.—Maryland, North Carolina, South Carolina, Georgia, Florida, and Virginia: Population, 7,900,000; area, 242,000 square miles; population per square mile, 32; number of representatives, 45.

England and Wales: Population, 7,900,000; area, 58,000 square miles; population per square mile, 497; number of representatives, 123—over three-fourths less area, 465 more people per square mile, 78 more representatives.

Take the most densely populated portion of the United States:

No. 2.—Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania: Population, 17,000,000; area, 162,000 square miles; population per square mile, 107; number of representatives, 100.

Great Britain, with 38,000,000 population, 120,000 square miles, and 313 persons per square mile—a little over twice the population of group 2, one-third of the area, and three-fold more people per square mile—has over six times the number of representatives.

I am aware that it will be contended that area has nothing to do with the merits of the measure, and that density of population is equally as foreign to the subject. Theoretically, this may be so, but Sir Isaac Newton said that when theory comes in contact with fact theory had to go. And so we find it here.

It is a fact, the more Representatives allotted to an area of territory, the more efficiently will the people be served. And in large areas sparsely settled, it is still more essential to have sufficient representation, that they may be served promptly; and the Hopkins bill overlooks the fact that we are servants, and not rulers, and that it is the serving business, and not the ruling business, in which we are engaged.

I am not unmindful of the fact that our Constitution and laws provide for an apportionment by population, but there is nothing in either that forbids, in fact the spirit of both encourages, giving to large areas of rural territory the largest and most efficient representation practicable in this body. Large rural population scattered over extensive areas of territory ought to have the largest measure of distributive power, that power which is the safety valve of the Republic, and though much gas is let off by reason of it, yet as long as it remains in the hands of the many instead of the few, the people can not complain and will not suffer.

Do you wish to increase the ratio of representation because you think too much power now resides in 173,000 people or in 194,000? Do you not know that the ratio proposed in the Hop bill curtails and abridges this power just one-fifth? If the voter is a whole man now, this bill proposes to make him a four-fifth man. What will he say? He will see that his ratio is raised 35,000, and yet less than twice 35,000 in monarchial England adds one whole representative to the House of Commons.

In other words, the Hop bill allots for every 208,000 people 1 Representative. Yet for every 208,000 people Great Britain has 3.4 representatives; France, 3.1; Italy, 3.3; Hungary, 5; Prussia, 2.8; Austria, 4; Spain, 5; German Empire, 1.7.

The individual voter will wonder why you are so jealous of your own comfort, why so much solicitude about the size of the Chamber, why so much anxiety about the electoral college, why so suddenly struck with a fit of economy, why so much reverence for three-score years of the past and so little for the present.

Talk about delay in business! If we had as many members as now constitute the House of Commons—yes, 670—aye, if we had a hundred million people and a ratio of 100,000, which would make this House 1,000 in membership, and would apply improved methods, such as Americans apply in their own business, we could and would do more business than we now do with 354, and still be closer to the people. As paradoxical as it may appear and yet as everyone admits, there is more and more to do every year, and yet it is proposed to have fewer people to do it.

I do not hesitate to say that the application of electrical devices in this House, such as would enable us to vote "aye" and "no" rapidly, as called for in a resolution introduced by me, would save much time and kill the last lingering nerve of filibustering.

Again, enlarging this Chamber would not only facilitate business, but it would give good and pure ventilation and tend to stop the mortality of members, largely due to the foul air we breathe and to the volume of carbonic acid gas which pours down upon us from 12 m. to 5 p. m., and from the poisonous effects of which there is no escape except to the cloakroom or the grave.

These things ought to be considered, and if time is given I am sure remedial measures will be taken which will afford relief, when provision will no doubt be made for a much larger number of Representatives than even the substitute bill calls for.

The larger the number of Representatives the more thoroughly will the people be served. I do not blame the President and the Administration for the abuse of power placed in the hands of Rathbone and Neely; but had this been in a Congressional district and a Congressman been called on by the President to indorse them it might have been different. You do not find such cases where the Representative of the people is called on. He has to keep watch over his district, and seldom it happens that fraud and embezzlement and robbery is the outcome of the recommendation of a member of Congress.

How melancholy one of you would feel had you been Rathboned by one of your constituents, honored by your confidence. But here are Rathbone and Neely, responsible to no member for good behavior. Did not they swim?

Such doings are not apt to occur under the watchful eye of a member of Congress. He is very careful as to whom he recommends for places that are subject to be embezzled and looted.

Personally I want to enter my appeal for Virginia. I appeal for no increase, but for no decrease.

Beginning with the First Census, in 1790, with 13 States and 4 Territories, Virginia lead with 747,610 population; in 1800, with 16 States and 4 Territories, Virginia lead with 880,200; in 1810, with 17 States and 7 Territories, Virginia lead with 974,600; in 1820, with 23 States and 3 Territories, New York lead with 1,372,111; in 1830, with 24 States and 3 Territories, New York lead with 1,918,698; in 1840, with 26 States and 3 Territories, New York lead with 2,428,921; in 1850, with 30 States and 5 Territories, New York lead with 3,097,394; in 1860, with 33 States and 8 Territories, New York lead with 3,880,735; in 1870, with 37 States and 9 Territories, New York lead with 4,382,759; in 1880, with 38 States and 8 Territories, New York lead with 5,082,871; in 1890, with 44 States and 4 Territories, New York lead with 5,997,853; in 1900, with 45 States and 3 Territories, New York lead with 7,268,012.

This old Commonwealth donated to the nation the great Northwest Territory, embracing what is now the States of Ohio, Indiana, Illinois, parts of Michigan, and Wisconsin.

It was in Virginia that the first representative assembly was convened, in 1618. It consisted of the council and a body of representatives, two from each of the eleven plantations into which the colony was divided. This assembly imposed taxes, considered petitions, and passed laws for the government of the colony. Thus Virginia led, and though nominally dependent on the King and company, had an independent government of its own at this early period.

A State with such a record, I submit, should not at this late day be cut down in its representation in the Congress of the United States. Then, again, she was despoiled of her territory, violently cut in twain, without authority of law, yet by ravages of war—and I might add that she would have kept pace with the general increase in population but for the fact that her good people were so much "kneaded" to furnish the "leaven" for the successful rising of the loaves of progress in other States that it has constantly drained her, and but for Virginians many States would not have the representative force they have to-day.

Indeed, they pride themselves on Virginia ancestry. But for Virginians many now occupying seats on this floor would not be here. Not infrequently, when introduced to a new member as from Virginia, I am at once told that his ancestors were Virginians and he is proud of it.

Again I appeal to this House for the substitute bill because of the injustice done sparsely settled rural or agricultural districts by the Hopkins bill. There are nearly twice as many people engaged in farming as in manufacturing. The area occupied by the one is of necessity much larger than that of the other. It is with much more ease and facility, with much less labor, that the Representative of the densely populated and smaller area can administer to the wants of his people than when conditions are reversed.

It is an easy job for a member of Congress in an area of 6 miles square, or 36 square miles, to serve 173,000 people as compared with one who has to serve 173,000 in an area of 20,000 square miles. The one in a compact city like New York, Chicago, or Philadelphia can be in touch with his constituents by 'phone, telegraph, mail, or in person at any hour, but the other, with an area of 7,600 square miles (the average in the United States, not including Alaska) has to be almost a "perpetual motion." The Hop bill increases all the difficulties now encountered, adds prominence to the obstacles which should be removed.

In Virginia it not only adds to the number of people to be served, but in each district it increases the area 445 square miles.

The Hop bill overlooks the great advance and progress making in mining, lumber, coal, iron, forestry, manufactures, fisheries, commerce, shipping and navigation, internal commerce, foreign trade, rivers and harbors, utilization of the billion acres of public lands, of our insular possessions, of science, literature, and art, and ignores the power of taxation and appropriations, all of which must of necessity be of great interest to the people, and all of which demand the very largest degree of representation for them possible.

You need constant accretions to your stock of wisdom, and any curtailment of this is to be greatly deplored. One member of this House for every 100,000 people would be 760 members, and would add greatly to the wisdom under this mighty Dome.

Rules can and will be made, room can and will be provided, more business can and will be done, and done more expeditiously and satisfactorily, just as necessity demands. It is well known that under 357 membership this House has done more business, and done it more effectively and thoroughly, than under any former apportionment giving a less number.

Stephenson astonished England when he stated that his engine would draw a train at the rate of 10 miles an hour. Now a train running at 60 and 70 miles per hour passes by unobserved.

There are always mossbacks, and from all such "good Lord deliver us." They believe in the past, for they live in it. Retrogression to them means progress. When they look back over the long road traversed in the past they see no rugged rocks, no dangerous quags, no sharp stones, no shattered columns, no broken shafts, but they live on the memory of the fragrance of "the roses left by the wayside, and the gentle tendrils waving in the wind." The present is full of briers and the future to them is to be a crumbling ruin.

I protest against them and their creed. I protest against any retrograde movement. To deprive a State of a single Representative is to go backward. Let us keep abreast with the steady march of progress which in this nation has been without a parallel, and in which in the future it must be without a peer.

You who view with alarm the continued distribution of power among the people, stop and ask yourselves what will they think of it when they realize what you have done. They are not fools, and they know that if 100,000 of them may choose a Representative to Congress, and you change it so that 200,000 may do so, it will not take much time for them to see that you have voluntarily abridged their power just one-half. To them you will have to render your account.

Now, Mr. Speaker, I complain of no member on account of his position on this question. I accord to everyone that rectitude of

purpose and sincerity of action which I claim for myself, and, while self-interest must govern us all in a greater or less degree, I concede nothing less than patriotic motive to each and every member of this body.

It may be that I am zealous in opposition to the Hop bill because my State will lose a member under its operation. It may be that others are ardently in favor of it because their States gain members.

No man coming into this House without some knowledge of its membership, approximately, could guess within 100 of the number of which it is constituted, and it is well known that on an aye-and-no vote a record of 250 is seldom disclosed.

One class, then, think 357 just enough, but I know of none such whose State loses a Representative by the 208,000 ratio.

Another class will favor 357 because the ratio reached has the sanction of the dust of sixty years ago, but most of them hail from a Commonwealth that either does not lose or does gain.

Still another class favor 357 because this ratio leaves the electoral college practically in its present shape, though causing loss to some States—while assuming that politics will be forever stationary and the electoral college unchangeable—but no loss of representation to them.

Then 357 is urged by others because in their States no rearrangement of districts will disturb present incumbents. Some are for 357 because the Chamber is too small, and say nothing about loss or gain. But of such I have heard of none that lose. Some oppose any increase in membership that will not give their State increased representation. Some oppose it because, although their State loses no representation, still, while getting no increase, its relative power or influence is diminished as compared with the whole without considering the party strength.

I might add other classes, and file reasons as varied as the ratios are numerous. I assume, however, that the purpose of all classes is to better the condition of their respective States.

I do not, however, believe that patriots exist only when advantage is to be gained, and hence I appeal to Republicans and to Democrats alike to lay aside party feelings and banish the electoral college ghost and to ask themselves what they would do if no question of party advantage had been raised. Then ask themselves, is there really anything in that question of party advantage to be gained to the Republicans in the apportionment which gives 386 members.

I want to ask members of that committee who oppose 386, or the substitute bill, would they not have voted for 386 except for the fact that the electoral college bugbear was thrust before them?

Then I appeal to you to vote—

First, that no State shall lose a Representative;

Second, that every State shall have the full benefit of the majority fraction—remembering that the functions of Congress are growing in importance every day, and that there should be greater representation in proportion as great interests are enlarging hour by hour.

In conclusion, Mr. Speaker, I want to say that the fundamental idea of popular government is the distribution of power. From the battle of Hastings our ancestors have been fighting to maintain this principle and wrest power from the hands of the few and lodge it in the hands of the many; and it was consummated in our national fabric and sealed with the blood of patriots when, in 1781, the proud crest of England went down in disgrace and despair at Yorktown, and the flag of freedom was hoisted, never to be lowered.

To maintain the principles thus established and to continue and to enlarge this distributive power among the people should be the aim of the Republic and of the popular branch of Congress, at least. Of nothing should the people be so jealous as the encroachment on, or abridgment of, this great boon. No right or privilege possessed by them should be watched so incessantly, preserved so carefully, and guarded so aggressively as the one right in the fullest measure to select the only official for whom, under the Constitution, they can vote, viz, the man to represent them in the House of Representatives of the Congress of the United States of America. [Loud applause.]

I desire to append the striking letter of Mr. Frank Abial Flower, of Washington, D. C. I invite especial attention to it:

WASHINGTON, D. C., *January 8, 1901.*

MY DEAR JUDGE: Yours of November 6 was duly received, but not until now has it been possible to reply to your inquiries concerning the apportionment. You ask:

1. "Is there any substantial warrant for reducing the representation from any State because such State disfranchises some of its citizens for other reasons than rebellion or crime?"

2. "Is there a mathematical and legal way of so apportioning Representatives among the States as to do exact and equal justice to each and all?"

First. If there were such warrant, Congress did not authorize or require the Director of the Census to gather facts on which to base such a reduction. You can not tell where or how to begin.

Second. Yes: there are several; but I lost many a night's sleep before finding the controlling principle which underlies all of them, although it is simple enough now that it has been found.

Heretofore the process by which the apportionments have been computed have not produced results that were legally or mathematically correct, or politically just, because they included the necessity of assigning (or rejecting) an entire Representative for a bare major fraction of the accepted ratio, which gave to some States over and to other States under representation.

The possibilities for injustice under this practice are very great, and can never be eliminated. For instance, North and South Dakota may have within one of equal populations. The former, with a minor fraction of 100,000 above the ratio, would receive 1 Representative, while the latter, with a major fraction of 100,001 above the ratio, would receive 2 Representatives.

This additional person in South Dakota may have been a child born a day or an hour prior to taking the enumeration. Thus the representation of a State would be doubled, and also doubled over the representation of a sister State by the numerical value of a single one-day-old babe.

What is worse, if this child should die on the day following the enumeration, thus reducing the population of the two States to an exact equality, South Dakota nevertheless would continue for ten years to enjoy double the representation of North Dakota.

This is an extreme but not impossible case, and vividly illustrates apportionment features which have occurred frequently in actual practice, and must continue under this process forever.

However, the fact that these irritating forms of injustice have never been eliminated, nor even ameliorated, does not mean that it is impossible to give to each State its mathematically exact strength in the House of Representatives and the electoral college, but that a way of doing so has not been devised or adopted.

A fundamental error has been committed hitherto in assuming that representation means physical persons or integers.

If such were really the case, a one-armed or one-legged person might not be considered a complete or lawful Representative.

Representation does not mean a certain number any more than it means a certain weight of persons.

It means simply choosing and putting forward a vehicle or instrument for giving, and which can and does give adequate expression and effect to the popular will or ascertained voting strength of a given community.

One person as well as 4 or 40 or 400 persons can represent a community in a representative body, if he be properly clothed with authority to do so.

This fact has received actual illustration times without number by popular conventions giving one vote to two persons, or two votes to three persons, or by instructing or authorizing one person to cast the vote of an entire county or State delegation, or of an entire convention.

If this old and undisputed principle be applied in creating and defining the strength of the House of Representatives and the electoral college, all over and under representation—the basic element of injustice and irritation—at once disappears, except in the case of States having populations less than the unit or ratio of apportionment.

There are three or more ways in which this principle may be applied. For the first illustration let it be applied as follows:

1. Assume 1 vote in the House of Representatives for every 205,500 persons.

2. Divide the representative population of each State by this number.

3. The result will be 8.898 votes for Alabama, 12.245 votes for Indiana, 14.835 votes for Texas, 20.231 votes for Ohio, 35.344 votes for New York, and so on.

4. These votes, which represent with mathematical exactness the proportionate strength of each State to the aggregate strength of all the States (Wyoming, Idaho, Nevada, and Delaware excepted), will come into Congress in the form of as many persons as there are votes and fractions of votes assigned to the several States.

5. Thus Alabama will send 9 persons, 8 with full votes and 1 with 0.898 of a vote; Texas will send 15 persons, 14 with full votes and 1 with 0.835 of a vote; Ohio will send 21 persons, 20 with full votes and 1 with 0.231 of a vote, and so on through the list (Wyoming, Idaho, Nevada, and Delaware excepted), the complete result being as follows, apportioned by the ratio of 205,500, according to the Twelfth Census:

State.	Present House.	Proposed House.		Voting strength.	Gain in voting strength.	Loss in voting strength.
		Number.	Gain.			
Alabama	9	9	.....	8.898	.....	0.102
Arkansas	6	7	1	6.382	0.382	.....
California	7	8	1	7.218	.218	.....
Colorado	2	3	1	2.623	.623	.....
Connecticut	4	5	1	4.420	.420	.....
Delaware	1	1	.....	1	.....	.....
Florida	2	3	1	2.571	.571	.....
Georgia	11	12	1	10.785	.....	.215
Idaho	1	1	.....	1.000	.....	.....
Illinois	22	24	2	23.462	1.462	.....
Indiana	13	13	.....	12.245	.....	.755
Iowa	11	11	.....	10.860	.....	.140
Kansas	8	8	.....	7.155	.....	.845
Kentucky	11	11	.....	10.448	.....	.552
Louisiana	6	7	1	6.723	.723	.....
Maine	4	4	.....	3.379	.....	.621
Maryland	6	6	.....	5.790	.....	.210
Massachusetts	13	14	1	13.651	.651	.....
Michigan	12	12	.....	11.780	.....	.220
Minnesota	7	9	2	8.513	1.513	.....
Mississippi	7	8	1	7.548	.548	.....
Missouri	15	16	1	15.117	.117	.....
Montana	1	2	1	1.131	.131	.....
Nebraska	6	6	.....	5.199	.....	.801
Nevada	1	1	.....	1.000	.....	.....
New Hampshire	2	2	.....	2.002	.....	.....
New Jersey	8	10	2	9.166	1.166	.....
New York	34	36	2	35.344	1.344	.....
North Carolina	9	10	1	9.215	.215	.....
North Dakota	1	2	1	1.530	.530	.....
Ohio	21	21	.....	20.231	.....	.769
Oregon	2	3	1	2.012	.012	.....
Pennsylvania	30	31	1	30.667	.667	.....
Rhode Island	2	3	1	2.085	.085	.....
South Carolina	7	7	.....	6.522	.....	.478
South Dakota	2	2	.....	1.900	.....	.100
Tennessee	10	10	.....	9.832	.....	.168
Texas	13	15	2	14.835	1.835	.....
Utah	1	2	1	1.339	.339	.....
Vermont	2	2	.....	1.672	.672	.....
Virginia	10	10	.....	9.022	.....	.978
Washington	2	3	1	2.508	.508	.....
West Virginia	4	5	1	4.665	.665	.....
Wisconsin	10	11	1	10.060	.060	.....
Wyoming	1	1	.....	1	.....	.....
Total	357	387	30	.....	.....	.....

No State loses a person, but several lose a percentage of voting strength.

In order to carry an apportionment formulated as above stated into actual practice, Alabama will elect 8 physical Representatives, 1 each from eight compact districts of uniform population and contiguous territory and 1 to represent the fraction from the State at large; Texas will elect 14 physical Representatives, one each from as many lawful districts and one at large, and so on appropriately through the entire list of States, except that Wyoming, Idaho, Delaware, and Nevada, which, respectively, do not contain sufficient population to equal the ratio unit, but which, by Article I, sec. 2, of the Constitution, are nevertheless entitled to one full Representative each, must elect their Representatives at large.

The number 205,500 is taken as the unit of apportionment because it gives to the lowest States the same number of personal Representatives that they now enjoy.

To accomplish this result the voting strength of the House is enlarged to about 365, and the personal membership to 387, both, however, readjusted and equalized within the limits of the law, political justice, and mathematical correctness, except as to Delaware, Idaho, Nevada, and Wyoming.

Even this method can not give absolutely just results so long as States are admitted into the Union with populations less than the accepted unit of apportionment, and the Constitution declares that each State shall have at least one Representative.

But this form of malrepresentation also, fundamental as it is, may be eliminated by using, as section 2 of Article I of the Constitution permits, 30,000 as the unit of representation.

This plan involves assigning to each physical integer or representative person the power and right to give expression and effect in Congress to a certain fixed representative value or strength in the form of votes.

In order to permit each State to retain in Congress its present number of representative persons, each such person may be empowered to cast 6.8 votes or units of representation, or such fraction thereof as any State remainder or the population of any of the four small States may determine.

To make the actual apportionment as thus indicated, divide the representative population of each of the forty-five States by 30,000, which will give the number of votes in the House and the electoral college to which such State is entitled; then divide each number or quotient thus found by 6.8, and that will give the smallest number of persons required to represent these votes and fractions of votes in the House.

The result will be in each State a certain number of persons empowered to cast 6.8 representative votes each, and a person entitled to cast the fractional remainder for that State.

To find the value in representative votes of these remainders (in other words, the number of votes the fractional Representatives are entitled to cast), multiply each, if they be in decimal form, by 6.8. Each full Representative is given the power to cast 6.8 votes, because that is a number which does not reduce the present number of members from any State. Any other number may be taken without destroying the accuracy of the process, leaving the House at its present size or otherwise.

Such an apportionment results as follows:

State.	Abstract voting strength.	Persons.	Number in proposed House.	Number in present House.	Gain in persons.	Voting strength of fractional Representatives.
Alabama	60,956	8,964	9	9	.....	6,555
Arkansas	43,718	6,429	7	6	1	2,917
California	49,450	7,272	8	7	1	1,849
Colorado	17,970	2,643	3	2	1	4,272
Connecticut	30,278	4,453	5	4	1	3,080
Delaware	6,157	905	1	1	.....	6,154
Florida	17,618	2,591	3	2	1	4,018
Georgia	73,877	10,865	11	11	.....	5,882
Idaho	5,315	782	1	1	.....	5,317
Illinois	160,718	23,635	24	22	2	4,318
Indiana	83,882	12,338	13	13	.....	2,298
Iowa	74,395	10,940	11	11	.....	6,392
Kansas	49,016	7,209	8	8	.....	1,421
Kentucky	71,572	10,526	11	11	.....	3,566
Louisiana	46,054	6,773	7	6	1	5,256
Maine	23,148	3,404	4	4	.....	2,747
Maryland	39,668	5,834	6	6	.....	5,671
Massachusetts	93,511	13,752	14	13	1	5,113
Michican	80,699	11,867	12	12	.....	5,895
Minnesota	58,320	8,577	9	7	2	3,923
Mississippi	51,709	7,605	8	7	1	4,114
Missouri	103,555	15,230	16	15	1	1,564
Montana	7,752	1,140	2	1	1	952
Nebraska	35,617	5,238	6	6	.....	1,618
Nevada	1,355	199	1	1	.....	1,353
New Hampshire	13,719	2,018	3	2	1	122
New Jersey	62,788	9,234	10	8	2	1,591
New York	242,110	35,610	36	34	2	4,148
North Carolina	63,127	9,283	10	9	1	1,182
North Dakota	10,481	1,541	2	1	1	3,678
Ohio	138,584	20,380	21	21	.....	2,584
Oregon	13,784	2,027	3	2	1	1,183
Pennsylvania	210,070	30,893	31	30	1	6,072
Rhode Island	14,285	2,101	3	2	1	686
South Carolina	44,677	6,570	7	7	.....	3,876
South Dakota	13,021	1,915	2	2	.....	6,222
Tennessee	67,353	9,905	10	10	.....	6,154
Texas	101,623	14,944	15	13	2	6,419
Utah	9,175	1,349	2	1	1	2,373
Vermont	11,454	1,684	2	2	.....	4,051
Virginia	61,806	9,090	10	10	.....	612
Washington	17,185	2,527	3	2	1	3,583
West Virginia	31,960	4,700	5	4	1	4,760
Wisconsin	68,912	10,134	11	10	1	911
Wyoming	3,084	453	1	1	.....	3,080
Total	.....	.....	387	357	30	.....

Representatives so apportioned will be elected as stated hereinbefore—those clothed with 6.8 votes by compact and equal districts, and the one in each State having less than 6.8 votes (representing the fraction, or, respectively, the States of Delaware, Idaho, Nevada, and Wyoming) will be elected by the State at large.

The person so elected by any State at large will enjoy all the privileges, honors, power, and pay of other Representatives, but his vote in Congress will be fractional only, as heretofore indicated. This places the small States of Delaware, Idaho, Nevada, and Wyoming on an exact equality with all the other States.

If deemed advisable, the fractional vote or votes to which any State may be entitled may be divided equally among the entire number of Representatives assigned to that State, thus avoiding the election of one person at large, except in the case of Delaware, Idaho, Nevada, and Wyoming, which can not avoid electing their Representatives on the general State ticket.

I have had no time to make an actual apportionment on that basis, but perhaps will be able to do so later, if you desire.

Very truly, yours,

FRANK ABIAL FLOWER.

Hon. JOHN J. JENKINS, M. C.

P. S.—A larger number than 6.8 (say 6.85) will reduce the size of the House without cutting down the present personal representation from any State; it would merely wipe out such small fractions as those attached to New Hampshire and Oregon. The process is perfect for any conceivable size at which the House of Representatives may be fixed.

Mr. GRIFFITH. Mr. Speaker, I yield ten minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, the majority and minority are very nearly equally divided numerically and politically. Each report a plan for our adoption.

We should carefully analyze each of these plans and adopt the one or the other or reject both and formulate our own plans, as our best judgment shall dictate.

Let us first see what the majority presents. It makes the present number, 357, the telling virtue of its plan, and makes everything, whether it carries justice or injustice in its train, yield to the idea that the number of Representatives shall not be increased beyond 357.

Secondly, it proposes taking the 357 Representatives now provided for here and to so redistribute them as to take certain members from States where small gains in population have been made and hand them over to such States as have made larger increases.

In this distribution 1 is taken from Maine, though its population increased 33,300, and is given to Illinois, where the increase is greater; 1 is taken from Indiana, though it increased its population 324,058, and is consigned to Louisiana, because it had increased more rapidly; 1 is taken from Kansas, though this State gained 43,399, and is given to Minnesota, that made a greater increase; it takes 1 from Nebraska, though it gained 9,629, and turns it over to New Jersey, that has made a greater gain; takes 1 from Ohio, though it gained 485,229—enough to give it 2 additional members under present ratio—and gives it to New York, which has made a greater gain; takes 1 from South Carolina, that has increased 189,167, and gives it to West Virginia, because the latter had a greater increase; takes 1 from Virginia, which has gained 198,204, and gives it to Texas, because it has gained more; takes 1 from Kentucky, though it has gained 288,539—more than enough to give it an additional member under present ratio—and hands it over to Texas, which has made a greater gain.

What is the result? You take from each of eight of the noted States of this Union an existing Representative, based on the apportionment of ten years ago, notwithstanding some of these States have increased enough in population to entitle them to two new Representatives under the present apportionment, and all have made a vigorous, healthy growth. You unnecessarily humiliate the people of these proud and honored States, disorganize their Congressional districts, and greatly diminish the efficiency of their representation in Congress, while the evolution of government here is constantly augmenting national powers and duties. What do we gain by this innovation, this humiliation and irreparable injury to eight great States in the Union?

We are told that we save the expense of additional members. Such a reply is specious, insipid. There is not a month that some questionable appropriation does not pass here involving more than the increase proposed by the minority without a whisper of protest from any member of this committee. Such a plea should be beneath the serious consideration of the American people. But, say they, an increase of 29 members will unduly crowd the House. The Architect's plan completely refutes that charge. They say the House will be unwieldy.

Every leading deliberative legislative branch of the people in Europe refutes this. It would take a century to make this as large as the House of Commons at the pace set by the minority. But we are told that these large representative bodies are only common to monarchies. The large representative bodies have always been yielded on the clamoring demands of the masses of the people, and such acquisitions celebrated as bulwarks of the people's rights and liberties. Those desiring to block legislation for the masses of the people always concentrate their efforts on the smaller legislative branch as the easier to convince and handle.

Now, let us examine the premises of the minority. The ratio of 173,901 was fixed for each Representative in 1891. Our population was then 62,622,250. The present population is 74,565,906, an increase of 11,943,656, and the minority have added to the number of persons for each Representative 20,274 more than the ratio upon which we were elected, and this leaves the Representatives

of each State intact, which is in fair harmony with the general increase in population. What is the result of the minority plan?

It increases the House but 29 members and leaves the delegations in each State intact, does not humiliate the people of any State or injure it in the eyes of the public, and includes all majority fractions and has no "paradoxes." The minority follows the *old* precedents and tries to correct all inequalities so far as possible, while the majority has centered all of its force around the single, immaterial point, "do not increase the membership of the House."

It is willing to arbitrarily strip such time-honored States as Maine, Virginia, Indiana, Ohio, Nebraska, Kansas, Kentucky, and South Carolina of a part of their present representation and give them to the more lucky States, and thereby humiliate the people of these great States and do them irreparable and material injury.

It would have been most difficult for the members of this committee to have devised a plan by which they might strike a more fatal blow to the good name and credit of these States than to advertise to the world that they have gone into decay and ruin.

The general run of the people will never learn that it was a mere shortsighted policy and that these States have no blight. Take the flings of the chairman at the State of Nebraska, and his intimation that Nebraska had been the subject of a Populist blight, as evidenced by this loss of a part of her representation, and what must be expected of the busy investors and home seekers?

The mere fact that such insinuation was utterly false and malicious does not make it less damaging. They will never learn that the majority took 173,901, the ratio for the last Congress, and added 34,957, equaling 208,868, as the ratio for this, which deprived each of these 8 States of 1 Representative and advertised to the investing and home-seeking world that they are deteriorating. Now, the minority adds 20,274 to the present ratio of 173,901, making the minority ratio of 194,182, an increase in harmony with the general increase of population, and saves all existing Representatives, and does not ignominiously advertise any State as stagnant or deteriorating.

Now, there is a third innovation in this majority report, and that is this: That mathematicians, from the time the system was adopted, have admitted that it now and then developed an atrocity which they have elected to call a "paradox."

In 1881 Mr. Seaton, the chief clerk, said, in making these calculations:

I met with the so-called Alabama paradox, where Alabama was allotted 8 out of a total of 299, receiving but 7 when the total became 300.

But, be it said, to the credit of the committee and of Congress, they never failed to hurry in the bill a correction of all the palpable defects developed in the faults of the system; but the Alabama paradox, the Maine paradox, and all other paradoxes shrink into insignificance when the shadow of the Colorado "paradox" appears.

And I want everyone here to look this squarely in the face. Colorado gains 1 on every set of figures from a House of 350 to one of 400, or in 49 times it comes in and goes out on the majority bill. Now, I have no kind of suspicion that any member of the committee was influenced in fixing this number at 357 because it caught Colorado at this point. Colorado came in at all other places, whether you increased or decreased the number in the House, but the glaring fault in the system developed at that point, a missing cog was found, or the machine slipped a cog at this point.

This is a double-headed "paradox" of Colorado.

In the Alabama case the paradox consisted in giving Alabama 8 with a total House of 299 and only giving it 7 with a House of 300, when from a true mathematical or scientific standpoint her number, if changed at all on an increasing ratio, must have increased. The paradox is complicated in the Colorado case by a falling out of line both ways, or to say that from 350 up to 357 Colorado gains 1, loses at 357, gains at 358, and holds it continually up to 400; or, in these figures, on both sides of 357 Colorado gains 49 times and falls out 1, showing that this system is not scientific, as this freak presents a mathematical impossibility.

There are inequalities developing on every side of this "hocus-pocus" system.

Take, for instance, the State of North Dakota, that has a majority fraction for which it gets no member. North Dakota, under this bill, gets a member for 314,454 persons, while New York, the largest State in the Union, gets 35 members on a ratio of 207,522, less than the real ratio, because she gets one on a majority fraction, and it takes 131,735 persons more for North Dakota to get a member, than it does for New York to get each of its 35 members.

Florida has a majority fraction for which it gets no member and gets its two members on a population each of 264,271, while New York gets each of her 35 members on a ratio of 207,522, so it takes 137,120 more persons for each member of this little State than it does for each of New York's 35 members.

The State of Colorado under the majority bill gets one member for a population of 268,557, while New York pays only 207,522 for each of her members, or it takes in Colorado 61,035½ persons more for each of her two members of Congress than it costs New York for each of her 35 members, and so it works as between the small and the large States, always to the advantage of the large States after the ratio of population is reached in the State.

This comes in this wise.

Colorado has but 2 members and has a majority fraction of 121,367, which must be divided between 2 members of Congress, making each of her members stand a ratio of 268,557½ persons in lieu of 208,868, but if New York had this majority fraction of 121,367, instead of Colorado, instead of having to divide this up between 2 members, as Colorado must, it divides it among its 35 members, making each of them cost New York 212,335 instead of 268,557½, as it costs Colorado, per member, or giving Colorado, for illustration, and New York each the same majority fraction that Colorado now has, 121,367, and each of Colorado's members will cost her 56,520½ persons more than New York's members will cost that great State, and to as far as possible equalize this great advantage of the large States over the smaller ones, every Congress heretofore has taken care of the major fractions, and sometimes of minor fractions where the injustice was too flagrant, and I have no doubt that Congress will take care of the Colorado "paradox" as it did with the Alabama "paradox," and with the major fractions of North Dakota and Florida as it has always done heretofore; and I now propose and will offer at the proper time an amendment making the number 360 instead of 357, taking in Colorado, Florida, and North Dakota.

This fault, in my judgment, is constitutional. The unit used for determining the apportionment should have been based on well-defined and limited Congressional districts, instead of making the States a unit. With the States as a unit, and adding the fractions of all the Congressional districts, give the largest State a decided percentage over all smaller States, as above shown, after they pass the ratio adopted.

I now offer an amendment, which I propose to offer before the committee, and I ask now that it be considered as pending, permitting Colorado, North Dakota, and Florida each to have an additional member.

In line 5, page 1, strike out the word "fifty-seven" and insert "sixty," and whenever "fifty-seven" occurs thereafter strike out "fifty-seven" and insert "sixty" in its place. In line 8, page 1, strike out the word "two," after the words "Colorado" and "Florida," and insert "three" after "Colorado" and after "Florida;" and after the words "North Dakota," in line 5, page 2, strike out the word "one" and insert the word "two" in lieu thereof.

The SPEAKER. The time of the gentleman has expired.

Mr. GRIFFITH. Mr. Speaker, I now yield to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, American citizens of the twentieth century are ruled by a system of government transmitted, through generations, from the early fathers. A century of time has wrought but few changes in that Constitution which was the ideal of the patriots, whose ambition was the equality and enfranchisement of man—a government by the people for the people.

The century closed has witnessed our institutions of government made the models for the republics of the world.

The strength of our Government is that it dwells in the hearts of the people. Thus was it transmitted unimpaired to us, and we owe a like duty to posterity.

The measure under discussion is most important. It binds Congress and legislatures for ten years, and, fixing an apportionment, as it does, concerns fundamentally our system of government.

Believing that the Hopkins measure restricts too much the rights of just representation that should be lodged in the people, I shall favor an enlargement of the membership of the House to 386, as proposed by the Burleigh bill, and, convinced of its justness, I shall state the grounds of my belief.

Keeping in mind the intent of the framers of our Constitution, and that which has moved statesmen from that time, the investment of the greatest power in the people, we find that the bill before us runs counter to that theory in that it limits the membership of the House of Representatives to 357, thus enlarging the number of people represented by each member here from 173,901, as fixed by the last apportionment, to 208,868, an increase of people to be represented by each member, in round numbers, of 35,000. In other words, the 357 members fixed ten years ago as the proper representative body for 62,622,250 of population shall stand representative for 74,565,868, the present population: and not only this, but represent the increase of population for ten years to come, which can not be less than 14,000,000 more.

If the Hopkins bill becomes a law, at the end of its life each member of the House, then, will be representing 248,000 people.

The House of Representatives, as originally designed, was to be the popular branch of the American Congress, and the members were to be directly and intimately responsible to their constituents. This was provided by the term and the mode of election.

The constitutional ratio was one member to not less than 30,000 people.

However strong our plan of government, weaknesses may be found in the quality of popular representation and responsibility. If popular sentiment counts for proof, these defects are not found in a too close responsibility to the people of two of its branches.

The President is not accountable directly to the people for four years after his first election, and not at all after his second election. Through that branch the people are unable to change a policy for four years, however unjust it may appear to them.

The Supreme Court judges are appointed for life by the President and confirmed by the Senate. They cease to be members of the court only on removal, by impeachment, by resignation, and by death. Surely there is an immunity from popular sentiment in this branch of the Government. Many people have made free to criticise the Supreme Court for some decisions on constitutional questions, charging that they were out of line with popular legal opinion and public sentiment.

The Senate, removed so far from the people by the method of selection and term of service, can not be said to be in close touch with them; and in multiplied instances the method of choosing Senators has led to the turning aside of the public will, the result of sinister means and fraudulent and corrupt practice, made easy by their selection by a comparatively small legislative body.

Many States have been absolutely disfranchised from tie-ups and deadlocks, the natural and legitimate fruit of practices made easy by the mode that removes so far from the people the selection of their Senators.

With these conditions it can not be claimed that the Senate is as truly representative of the people or responsible to them as some body should be to insure their safety and protection.

So long as the Senate is not elected by direct vote of the people, so long must the House of Representatives be a large and truly representative body.

The reform of electing the Senators by the people must come from sentiment created through State legislatures and the House of Representatives.

Other reforms known to members, and which I shall not take the time to enumerate, must be accomplished through a body like this, strongly representative of the masses.

So long as the House is large and representative, so long will it respond to the sentiment of the people, and the people can be trusted.

We have heard it much said in late years that the House was not a representative body. Mr. Speaker, we have a code of rules here that seems to have given rise to that general impression.

This popular impression—and I am not concerned in disputing its correctness—this evil in the House, does not come from an enlarged number of Representatives, but rather from a concentration of power in the hands of a limited number of the members and the invocation of the rules to enforce policies. The abuse rather lies in the drastic enforcement of the rules through the Rules Committee than in the rules themselves. Happily the rules are seldom invoked, save to enforce political policies.

It may, with some show of reason, be claimed that political policies, sanctioned by public sentiment, should be enforced by drastic rules. However that may be, it will be found that such action will only be positively dangerous, when the personal responsibility of members to their constituents is lessened to such an extent that motives other than patriotic ones will move the rank and file of the House to follow leaders into such policies.

It will be found that servility in following leadership will be lessened as the electorate to which the member is responsible is smaller, thus enabling him to draw his inspiration from the hearts of his people. Motives are difficult to ascribe; but it will not be out of line with human nature to find that those whose constituents have kept them long here, and who have won places on committee and leadership in Congress, and who perform a major part of its work, are willing to limit the responsibility of members and represent a larger constituency, thus enlarging their relative power under the Hopkins bill. I may lie under a charge of arraigning class against class in the House, but it is a condition with us, and we might as well confront it.

Sir, the very strength of the House of Representatives, as an institution of popular government, is its nearness to the people.

While the great leaders here, who have won their places by long service, are entitled to the best consideration and the respect of members of less service, yet the great body of this House who are not leaders represent the great body of the country. Though in management and leadership they may not rank with the others, yet they are here to pass upon great public questions, and their votes are potent, sacred, and enduring.

The great leaders and managers are mighty in debate, powerful in management, and potent in committee, but when it comes to registering votes on public questions the humblest member rises to a level with the greatest, and votes are the recorded sentiments of constituencies.

After all, the sentiment of the people is voiced in roll calls and on votes. In the very nature of things a large number of members can not speak fully on many public questions.

We become specialists tn legislation, at least so far as offering in debate views on questions.

Under our system of government and mode of selecting members of Congress it will be found that our constituents judge and measure a member by his record and votes on questions before the House. We are the custodians of the sentiments of our districts and recorders of their will—a jury selected from the neighborhood, delegated by the people to represent them truly.

We should know our people and they should have the opportunity of knowing us; and then, from personal knowledge of and acquaintance with their member, they would feel free to inform, instruct, and criticise.

This, it will be seen, can more readily be done, in consonance with our form of government, by smaller constituencies, which will bring the member in closer touch with his people.

It has been said that in years gone by, special interests have elected members, who thus owing their seats, became special pleaders for a special cause, to the detriment of the public good.

Not having proof, I will not assert, but knowing of methods used to control nominations and elections, knowing the forces that can be exerted by special interests, such powers will have the surest means to operate when the membership of the House is less.

A larger membership insures more independence against class interest and class power, and gives a House which wealth and influence can not so easily corrupt.

In this age of concentration of power and elements and influence, the safest method of preserving the House of Representatives, as a body representative of the people, is not secured by an increase of the number to be represented.

The power of individual members, dissociated from all considerations save the power of voting, is not to be underestimated. Members of independence and feelings of responsibility can call for record votes, and many instances can be recalled when not only the votes of individuals but the vote of the House sitting in committee has been changed when the light of public scrutiny, through a roll call, is turned on the votes of members. Smaller constituencies and its concomitant, closer responsibility, secures such results.

We are here not to receive honor and distinction, save as it comes from a true representation of the sentiments of our districts.

As there is wisdom in a multitude of counsellors, so is it true that Representatives are better able to serve the people by being in close touch with them.

Napoleon subjected easily the House of Ancients, a comparatively small body of representatives. The House of Deputies in France stood out till the end against his tyranny; remained in session to oppose him till he drove them out of the doors and the windows at the point of the bayonet. Later, Napoleon, taught by the lesson of experience, cut down the number of Deputies and controlled them.

A large Parliament withstood the tyranny of Charles the First and drove him to execution. A rump Parliament of a hundred yielded to a Cromwell.

The words "compact and contiguous" in the bill are designed to enable the Representative to more readily get acquainted with his people, but it will not be found possible, within the scope of a lifetime, to get on any degree of intimate terms with 209,000 people.

We all know the manifold duties incumbent upon members in the varied interests of the country. We know the requisitions that are made upon us by constituents, under the custom long in vogue, and properly made, requiring a vast amount of time and industry to perform. We all know the faithfulness with which members perform these duties, know their value to constituents, and we know how much our constituents appreciate these services.

In fact, there are Departments where it is absolutely necessary that members intercede to secure prompt returns to the wants of our people. This is a service that there is no immediate prospect will be dispensed with.

Yet, with this condition staring the majority of the committee in the face, they say, in effect, that 14,000,000 more people in the ten years to come shall be added to the districts of the present membership.

In their report some stress is laid upon the reapportionment of 1842, after the Sixth Census, when a reduction was made in the number of Representatives. That result grew out of the peculiar condition at that time, and it had no precedent for its justification at the time, and it has never been considered as a precedent from that time till now.

The reduction in the apportionment of 1842 was the result of the political contest and abnormal conditions of 1840. The political and industrial conditions preceding the election and the apportionment were not calculated to mold a safe policy. The country had been enormously burdened by high taxation, and the

accumulated surplus had been made the object of greed and extravagance. There had been an excessive inflation of the currency by the issue of an irredeemable paper currency. The recoil from such conditions produced ruin and industrial distress on every hand.

The alleged reform, then, which is followed now, grew out of these unnatural conditions, and the precedent created is not safe.

With the exception of 1842, in the apportionment of members the rule always has obtained to increase the number of members to keep pace with the increase of population.

The majority of the committee has departed from the practically universal rule and adopts a new rule and policy, the direct effect of which is the lessening of the representative character of the House.

The Constitution fixed the ratio at 1 member to 30,000 people. This gave a membership of 65. The First Census increased it to 105; the Second to 141; the Third to 181; the Fourth to 213; the Fifth to 240. The Sixth Census reduced it to 223. The Seventh increased it to 233; the Eighth to 241; the Ninth to 283; the Tenth to 325; the Eleventh to 356.

As shedding some light upon the subject it will be interesting to note the views taken by the Committee on the Census of ten years ago, as shown in their report and the debates on the bill for the apportionment of members then. Mr. Durnell, chairman of the committee, said:

> The committee discovered in the House a decided unwillingness, almost universally entertained and very largely expressed, to consent to any reduction of the present number of members assigned to any State. This bill, therefore, provides that no State shall suffer a decrease in its present representation. This was the object sought in the apportionment which has been made.

He had previously said:

> The committee finally decided to accept and adopt 356. I shall be asked why this number rather than any other was selected. I reply that it was selected because it was found to be the number first reached between 332 and 375 that would secure each State its present representation.

These remarks reflected the general tenor of the report.

Again he said:

> There were those on the committee who desired to retain the present number, but it was found that that could not be used without contravening what seemed the universal sentiment of the House, because very many States would lose 1 from their present representation. There were 10 States that would lose 1 member each. Letting these facts guide us, it was found that there was no other number that we could reasonably make use of than 356, and no other ratio than 173,901.

These views, it seems to me, are just, and the sentiments are appropriate here, and should bear greater weight than the unprecedented and false standard of 1842.

The report presented adopts a ratio that causes a number of large and progressive States of the Union to lose a member of Congress, and by the same operation other large and progressive States fail to secure a new member, to which they seem to be entitled under former rules of apportionment. And now let us see what reasons are urged by the majority of the committee for this departure from precedent for this increase in the number to be represented.

We look over the report vainly for reasons other than that "economy and dispatch of business" require it. Economy is a word much used and much abused in public affairs. It is used in the latter sense in the report. Such a policy is false economy. Where is the economy? Twenty-nine additional members will draw in salaries $145,000; outside of salaries the additional cost will be $46,000; in all, $191,000 to be appropriated, in addition to the usual estimated annual appropriation of $743,000,000 for 1902. Put the figures together and you can not tell them apart, the amount in comparison is so inconsequential, and I have given all the additional expense sought to be saved in the name of economy and at the expense of the people. The theory of economy falls hopelessly to the ground.

The next reason urged is "dispatch of business." Mr. Speaker, in the light of the record of this House this session, with the record for the dispatch of business under the rules in the last decade, aside from the solemn form in which this point is asserted in this report it would not seem to have been seriously made.

When I reflect upon the thorough knowledge that the majority of the committee had of the operation of the Reed rules and see this report, I am tempted to say as Cicero did—he said he could not see how two fortune tellers could look each other in the face without laughing, and I can not see how two members of that committee, asserting "that business can not be dispatched," etc., I can not see how they can look each other in the face without laughing.

In great party questions no difficulty has ever been experienced by the party leaders in enforcing party polices through the invocation of the rules, and no procrastination or filibustering tactics have ever won against the determined efforts on the part of the party leaders opposing it.

This session, when business of the greatest magnitude has been taken care of with celerity without invoking the rules, shows that no expedient that lessens the power of the people should be resorted to "for the dispatch of business."

The States of Massachusetts and New Hampshire have assemblies larger than this. There may be others. They seem to be thoroughly representative.

As instances of representative bodies much larger in numbers than the House of Representatives may be cited the German Reichstag, 397; the French Chamber of Deputies, 584; the House of Commons, 670; the Hungarian House, 453; the Italian Parliament of Deputies, 508; the Austrian Reichsrath, 425.

Certainly no one can be found who would let weigh, in this great public question, the mechanical rearrangement of this Hall. If it were possible to adopt some plan that would secure the recasting and remodeling of this Hall, it ought to secure the support of every member on acoustic and hygienic grounds.

Both were unknown or unconsulted by the architect that designed it, and troubles in comfort and health have resulted. A change that will get us nearer the light of heaven, and the outside breath of life will lessen the confusion and add to our lives, not to speak of the other points that will tend to make the House a deliberative body.

Then, again, these desks can be dispensed with and be supplemented with a few tables in the rear, that will secure much comfort and relief. Desks are not known in many of the other great assemblies of the world, notably the English and the French.

If we desire to save more time adopt a scheme of government for the District of Columbia that will enable its people to be American citizens, with the right to vote, and thus save at least one-tenth of our time for legislation which is wasted when we sit as a common council for the District of Columbia.

Another reform for time saving is easy. Save the time consumed in roll calls by adopting the electric method of voting. There is no impediment to its adoption.

It is a reflection on the inventive genius of the age that we must listen for a half hour to the humdrum of roll calls. Invention has made it possible to distinguish the voice of your friend as he speaks to you across the continent. At the deft touch of fingers and to the music of the clicking machine, it adds up figures by the thousands with a speed and accuracy beyond the dexterity or mentality of man. These are instances of improvement to lead us on, not to mention the dream of the destroyers, who hope to sail from continent to continent, under the ocean, and destroy fleets and navies on the other shore. This improvement in the House would be but a small dot in the great plot of the improvements of the age. There are hundreds of such, and they show we languish here.

If we must continue the old system, it will be found that 29 members in addition will add but little to the waste of time. It is not easy to do equal and exact justice to all in framing an apportionment bill, but a careful study of the Burleigh measure convinces me that as near as human foresight can it adopts a correct standard and conclusions. If we look for injustice in the Hopkins bill, we can readily find it outside of the feature that deprives States of Representatives.

Under the provisions of the Constitution a small State has an advantage and a greater relative power.

The Hopkins bill fixes the ratio at 1 for 208,868, yet the little State of Nevada, that would never have been heard of if there had not been a volcanic upheavel, and, I might add, if it had not been for the distinguished gentleman who so ably represents it upon this floor [Mr. NEWLANDS], the people there sleep quietly, on the slopes, in their hillside homes, deeply conscious of their worth in that one member is given them for 42,335 people. Wyoming gets a member with 92,531 population, yet Oklahoma, to which the world rushed a few years ago, and toward which the center of population is fast advancing—Oklahoma, with its 398,245 people, is not represented by a member of Congress, however well she is represented as a Territory by her distinguished Delegate [Mr. FLYNN], who sheds a grace here by his presence and his learning. Oklahoma should in justice and by equality have her statehood, then our friend would shed a luster at the other end of the Capitol, in the Senate.

Under the Hopkins bill Vermont, with a population of 343,641, gets two members, while North Dakota, with a population of 319,000, gets but one. According to the North Dakota standard, Vermont gets a member for 24,000 people, and according to the Oklahoma standard she ought to have 53,000 more people and get no member. These flagrant inequalities, so far as possible, the Burleigh bill corrects.

If the position I take is correct, from the point of statesmanship, no refutation of it comes from entering the field of politics or political advantage.

The causes that lead to political results are so multitudinous, so versatile, and withal so inestimable that no standard based upon present or past conditions political can weigh a feather in what should be done in the future.

Many States fixed in politics in the past give no assurance of the

future on either side in the panoramic change of political questions and shades and turns of political principles.

Especially is this so when the margin of change in the electoral college is, as it must needs be in the present estimates, so exceedingly small. Again, such a basis being predicated upon a group of States assumed to be certain, vacillating as some of them must be, and built, as it must be, upon unsubstantial assumptions, wholly leaves out of consideration States classed as doubtful, any one of which, changing its political status, would break the whole slate upon which calculation was made.

States and groups of States have been known to change on questions. The money question can be cited as an instance. The Chinese question had such effect. The Japanese and oriental labor may have a like effect, not to mention an inundation of Filipino fellow-citizens to our country.

These thoughts are thrown out only for the consideration of those who figure political advantage or political expediency in this legislation, based upon the vote in the electoral college or on the Representatives in this House, if any such there be.

Mr. Speaker, every time you increase the number to be represented by each member then you lessen, so far, full representation, and this should be done only when exigency and urgency demand.

I favor the Burleigh minority bill of apportionment, because the more I dwell upon it the more I am convinced that it represents truer Republicanism, truer Democracy than the Hopkins bill. [Loud applause.]

Mr. GRIFFITH. Mr. Speaker, I now yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, a great deal has been said here touching the supposed "unfortunate condition of the negro in the South." I exceedingly regret that I have not time to give some of the interesting history of his condition. But I submit that those who profess to be his friends in the North, East, and West deny him the same things that we in the South deny him. This indisputable fact you blindly overlook in your mad advocacy of negro equality in all things.

Why, gentlemen, do you Republicans ever even appoint—not elect, but appoint—him on the supreme bench of your States to administer to you the law? Do you Republicans ever put him on the Supreme Bench of the United States to administer the law to you and each of you and your people? No, indeed! But you would have him do so in the South, and the laws so framed as to force him on us. Do you ever nominate him for President or Vice-President when you well know the Republican party has repeatedly elected Republican Presidents since the civil war? Do you ever put him in the Cabinet? You dare not, but you could "appoint" him there, and he would receive you in due course socially and officially. You do not, but you would have him given unlimited suffrage in the South that such association might grow.

Yet, Mr. Speaker, when the South, as she has a right to do under the law of the land, undertakes to protect herself from these very things, and legally, we have it flaunted in our faces that we oppress and outrage the negro.

Mr. Speaker, suffrage is a State right, a State gift, and must be so exercised as to maintain a republican form of government, and the State to do so regulates her gift and has the right under the Federal Constitution to do so, giving the same legal right or legal opportunity to exercise this suffrage to the black as she does the white.

Treat in the law both alike and the court is satisfied. This was done in Mississippi, and the Supreme Court so held in the Williams Case (170 U. S. Reports), and Justice Brewer so held in a Kansas case found in 7 Kansas State Reports, and so Paine on Elections declares the law.

In the Williams case Justice McKenna for the whole court said:

> Besides, the operation of the Constitution and laws is not limited by their language or effect to any one race. They reach weak and vicious white men as well as weak and vicious black men, and whatever is sinister in their intention, if anything, can be prevented by both races by the exertion of that duty which voluntarily pays taxes and refrains from crime. (Williams *vs.* Mississippi, 170 U. S., 222.)

In holding the fourteenth amendment did not apply, the court, in concluding its opinion, said:

> This comment (on fourteenth amendment) is not applicable to the constitution of Mississippi and its statutes. They do not on their face discriminate between races, and it has not been shown that their actual administration was evil, only that evil was made possible under them. (170 U. S. Report, p. 223.)

The fourteenth amendment does not confer the right of suffrage. (43 Cal., 43, Valkenburg *vs.* Brown; 21 Wall., 162, Minor *vs.* Hoppersett, 10 Am. and Enc., p. 572.)

Mr. Payne says (Payne on Elections, pp. 55, 56):

> The fifteenth amendment guaranteed the right of suffrage on equal terms with the white and colored races.
>
> * * * * * * *
>
> It imposes but a single restriction upon the exclusive power of the States to prescribe the qualifications of voters, namely, that all qualifications shall be the same for the white and colored races.

Here we find that Mississippi gives to the white and black an equal chance to vote and compels neither to vote or not vote; and this high court—a Republican court—so declares; and yet the South is condemned as disfranchising the negro by this law.

Again, it is fashioned after the constitutions of Massachusetts, Connecticut, Wyoming—all Republican States. Massachusetts requires that to vote the person shall not only "read" her constitution, but read it "in English." So in Connecticut, so in Wyoming, and the courts uphold the law. A case in point is to be found in 50 Pacific Reporter.

The Australian ballot system has been held constitutional in the following (if not more) States: California, Colorado, Florida, Illinois, Iowa, Massachusetts, Michigan, Mississippi, Montana, New Jersey, New York, Pennsylvania, Tennessee, Virginia, Wyoming, Wisconsin, Kansas, Kentucky, Louisiana, Rhode Island, and cases cited are 58 Pa. Stat., 338; 60 Pa. Stat., 54; 105 Pa. Stat., 488; 136 Pa. Stat., 459; 10 Am. and Enc. Law, 579 and 586.

Now, Mr. Speaker, there is not a single State in this Union, and I believe not a single Territory, that has not so legislated in every instance as to place the executive, judicial, and legislative power of this country alone in the hands of educated white officials. The gentleman from Ohio [Mr. GROSVENOR] to-day raises his voice here as the champion and friend of the colored man and says this is all wrong, and yet out of the thousands and thousands of negroes in Ohio, and, indeed, in Pennsylvania and Massachusetts and Kansas, is there ever elected a single negro to the Congress, as governor, or judge in those States, or any State?

Nay, more, do these communities ever place any colored man in any single solitary case in a position where he will be called upon to administer the law—not where he shall administer a mere clerkship, but where it shall be his duty to administer the supreme law of the land, State or Federal? Not one. "And they never will," said the gentleman from North Carolina [Mr. LINNEY] here Saturday. And yet the South must be condemned because she says we will legally do the same thing in self-defense.

Mr. Speaker, I am the friend of the colored man. I have been such since my childhood. I shall so continue. I hold in my pocket a letter from a man whom, I dare say, cast his vote against me, a negro from my own city, thanking me for getting him a position as a servant, where he can work in the day and go to school at night and finish his education, there being no night colored schools in Nashville, though blessed with many and of the very best schools in the land. But I shall never agree to put the executive, judicial, or legislative branches of this Government in the hands of the negro, and in doing this South we know it is best for him and best for us, and you in the East, North, and West have not and will not do more than this for the negro nor less for yourselves, and your past record proves this.

Mr. Speaker, a few days ago in my own city there assembled a crowd of negro ministers to celebrate emancipation day; and here is the language of the chief orator of that occasion—a distinguished negro divine:

> The South is the place for us to achieve our success. In the North almost every door is shut against the negro; in the South he is offered free and unlimited activity in all trades. Your emancipation means that we shall contend for our rights in the labor market of the South.

In proof of this the negro remains South, regardless of everything enticing, so to speak, elsewhere.

I hold in my hand a Pittsburg Republican paper stating that last week negro delegates from a Southern labor union had been excluded, because negroes, from a white labor union of Pittsburg, Pa., the State of the gentleman [Mr. OLMSTED] who would have Congress to investigate Southern outrages on negro suffrage South. In the South the unions deny this equality. Do you ever send him on the high missions to Europe, where, as a great minister, he would receive you and your people and mine? No, no, indeed!

Mr. GRIFFITH. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. JONES].

The SPEAKER. The gentleman from Virginia [Mr. JONES] has two minutes, the remaining time on that side.

[Mr. JONES of Virginia addressed the House. See Appendix.]

Mr. HOPKINS obtained the floor.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] has fifty-two minutes.

Mr. HOPKINS. Mr. Speaker, during the time allotted to me in this debate I shall undertake to answer some of the objections which have been made by gentlemen of the committee and other gentlemen who have addressed the House to the bill reported by the committee. I shall endeavor to show that this bill is a fairer bill to the people of this country than the one submitted by the minority.

It is unnecessary for me to call the attention of the members of the House to the fact that in this legislation we are performing a great constitutional duty. It is unnecessary, too, I think, for me to say that this legislation that is to be enacted here to-day is to affect the popular representation of 45 States for the next ten

years. Hence it is important to the interest of every man's constituency that passion and prejudice should be laid aside; that members of this House should look at the facts and the figures presented here to-day and determine this question, as I have intimated before, not from a sectional standpoint, not from the standpoint of any State or district, but from the standpoint of "the greatest good to the greatest number."

The gentleman from Virginia who has just addressed the House [Mr. JONES] made some reflection upon the chairman of this committee because this bill is reported by a gentleman who happens to represent a district of Illinois, a part of the territory that once belonged to the grand old State of Virginia. Why, Mr. Speaker, nothing is farther from my mind than to do an injustice to any State or any locality or any member on this floor. As chairman of the committee I have sought to examine the great questions involved here and by the light presented to me to bring the best results for the consideration of this House.

Mr. OTEY rose.

The SPEAKER. Does the gentleman from Illinois [Mr. HOPKINS] yield to the gentleman from Virginia [Mr. OTEY]?

Mr. OTEY. I simply want to ask a question.

Mr. HOPKINS. I will yield.

Mr. OTEY. Does not the gentleman think it is doing Virginia a great injustice not to give her Representatives the time that it was agreed they might occupy on this bill?

Mr. HOPKINS. Why, Mr. Speaker, after listening to the gentleman I confess that if he had occupied all the time it would have been much better for the country.

Mr. OTEY. That does not answer my question.

Mr. HOPKINS. I can not take up any further time with that matter. I desire, however, to call the attention of the gentleman from Virginia to the fact that this is not the first time that that great State has had her representation on this floor reduced. The time was, as I now remember, under the Fifth Census when Virginia had a representation of 23 members. To-day she has a representation of 10. But it is unnecessary to say to the gentleman, or any intelligent man either on this floor or in the country, that Virginia's relative influence in the councils of the country is as great to-day as it was when she had 23 members on this floor.

Virginia's position on all of the great questions is felt as powerfully as it would be if her representation on a proper ratio should be increased to 30 members. Now, as I said, Mr. Speaker, I have no apologies to make for the bill that has been offered here by the majority of the Committee on the Census. We have followed the beaten path that has been marked out for us by the great men who have preceded us in the councils of the nation. We have taken the course that has been adopted by the best scientists and the great statisticians of the country in order to present a bill that had the least inequalities and the least injustice to any of the States in the great Republic.

We must remember, Mr. Speaker, that with a confederated Republic such as we have, composed of 45 independent sovereign States, those States having different geographical boundaries and different numbers in population, it is utterly impossible for us to arrive at any ratio that will mete out exact and equal justice to every member of the Federal Republic. The most that we can do is to approximate to what is just and fair.

Mr. BOUTELL of Illinois. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to his colleague?

Mr. HOPKINS. I yield to my colleague.

Mr. BOUTELL of Illinois. Just one word. It has not yet been stated in this debate, and I should like to know if the gentleman can state, what ratio of representation leaves the smallest sum of minority fractions unrepresented.

Mr. HOPKINS. I will get to that later. I think the majority bill does that. I will call the gentleman's attention to that.

Mr. BOUTELL of Illinois. The gentleman does not catch my inquiry. There must be some divisor, some ratio of representation, which provides for all majority fractions and leaves mathematically the smallest possible sum of minorities unrepresented. That divisor has not yet been given in this debate.

Mr. LONG. I should like to inquire, by permission of the gentleman from Illinois, do you mean under these two bills or under any bill?

Mr. BOUTELL of Illinois. I mean under any bill or under any system of computation. It is a simple question: What divisor applied to population leaves the smallest possible sum of minority fractions unrepresented?

Mr. HOPKINS. I will say to the gentleman frankly that I have not the figures on that basis from the Director of the Census. I have some figures which I will insert in my remarks, running them out by percentages and showing that, in accordance with the population of the various States, the majority bill is more nearly fair to all of the States that are represented in the Federal Republic than the minority; but I have not the figures to meet the inquiry of my colleague.

Now, Mr. Speaker, some gentlemen have made complaint because these fractions differ when they are applied to the different States and when the ratio is changed. But anybody who is familiar with mathematics at all ought to understand that with a different divisor you get a different quotient every time, and it is because in running through these figures from 350 to 400 we take a different divisor 50 different times that produces the paradoxes that have been spoken of by the gentleman from Colorado this afternoon.

But, now, Mr. Speaker, this bill is not a sectional bill. It is not a bill to protect the interests of one State at the expense of another. It is a bill to provide for the best interests of the nation itself. In the discussion that has been had here so far it has been made apparent, I think, to the members of the House that the chairman of the Committee on the Census and those members who have been with him in reporting this majority bill have had no selfish and no State interest to subserve.

I charge, Mr. Speaker, that the minority bill has not been prepared on these national grounds. I charge that the minority bill has been prepared to protect the interests of certain individual States regardless of the interest of others, and that was clearly and forcibly demonstrated by my colleague from Pennsylvania [Mr. DALZELL] when he showed that it benefited 15 States and injured 24 different States. To show to you, Mr. Speaker, how this is I desire to call to the attention of the members of the House the names of the gentlemen who signed the minority report.

The first member is Mr. BURLEIGH, the author of the minority bill. He is to take care of Maine, which, under the majority bill, loses a member. The next member is Mr. RUSSELL of Connecticut, one of the ablest and best men upon this floor, but he has been led astray by the fact that under the Burleigh bill an additional member is given to the State of Connecticut that is denied to her under the majority bill.

The next is Mr. HEATWOLE of Minnesota, who has joined in this report, and his State is given an additional member over what it is given in the majority bill. The next two members are Mr. CRUMPACKER and Mr. GRIFFITH, of Indiana, both men protesting that Indiana, under the majority bill, shall not lose a member, as is provided in that bill. The next is Mr. WILSON of South Carolina, who stands equally in the position of the other gentlemen.

The members of the minority undertake to say here to the members of this House that they have prepared the Burleigh bill so as to take care of major fractions. That matter has been discussed by me in a limited way prior to this time, but I desire again to call the attention of the members of this House to some features of that bill wherein it is distinct and separate from the bill presented by the majority of the committee.

We have stated that we predicate our bill upon a report that is given to us by the Director of the Census, where we take the arbitrary number of 357 to constitute the membership of this House, and then using that as a divisor, taking the constitutional population of the United States, we get a ratio to determine the membership in this House from the several States.

By doing that we apply that ratio, obtained as already stated, to every State in the Union and then take care of the fractions in the manner that I have indicated, giving to the State with the largest fraction a member, and so on, until these additional members are allotted. My learned friend here at my right [Mr. LONG] in his argument yesterday undertook to lead the House to believe that this is an invention of recent date. His idea is that the theory that all major fractions should not be provided for by a member is an invention to support the present majority bill, and that it was advocated in some way first by Mr. Walker, Superintendent of the Ninth and Tenth censuses. I contended the other day and I contend now that that principle was first announced by Mr. Webster, of Massachusetts, in 1832, and that it has been followed since the census of 1840.

Now, gentlemen, why do I make that statement? I acknowledged at the start that in 1832, under the bill that was presented by Mr. Webster, every majority fraction was cared for, but the great contention at that time was not so much as to whether all major fractions should be cared for as it was that fractions should be represented in the apportionment of the States. Up to that time, as gentlemen well understand, the allotment had been made upon a basis where no representation whatever had been given to fractions, and the House, under the leadership of Mr. Polk, of Tennessee, prepared a bill of that character and it passed the House.

When it went to the Senate Mr. Webster, noting the inequalities and the injustice done to several States, evolved the principle of having fractions represented. When his plan was sent to the House it was rejected, but in 1840 the House adopted it, and not only adopted that, but adopted the principle of disposing of the major fractions in the manner contended for by the majority of the Committee on Census.

I call the attention of the members of this House to the report made by Mr. Everett, chairman of the Committee on the Census in

1842, wherein this principle was advocated. In it he uses this language:

The two modes—

Speaking of the different modes that had been suggested—

are as follows: The first, to ascertain the ratio by dividing the aggregate Federal numbers of the United States by the number of Representatives proposed, and to apportion them among the States by dividing the Federal numbers of each State by the ratio thus found and assigning a Representative to the highest fractions until the proposed number of Representatives are assigned.

Exactly the plan that was followed by the majority of the committee in the preparation of the bill that they present to you. He says further:

The principle was adopted by the Senate in the amendment to the apportionment bill of 1832, but was rejected by the House. On that occasion elaborate reports were made in the Senate by Mr. Webster and in the House by Mr. Polk, containing, it is believed, a full argument on both sides of the question; and, as the question in some form may again come before the House, they have been annexed to these reports.

That was in 1842. That was the principle adopted in 1850, when the men who were in control of national affairs were charged with the duty of preparing a bill, as our committee were charged. They resorted to the principle announced by Mr. Everett in his report in 1842, and they went still further than that. They insisted, as many of the members do on this floor to-day, that the House had become too large and that some provision should be made that in the increase of population the constituencies of members should be increased and the membership of the House should remain practically as it was at that time.

The membership was made 233, and if any gentleman will look at the statutes of the United States passed May 23, 1850, he will find a law fixing the representation of this House at 233 members. It was proposed to make the membership of the House permanently 233, and when the census should be taken the next succeeding ten years, and so on, that the Secretary of the Interior after the official count had been made and he had obtained the constitutional population of the United States, should make his apportionment in accordance with that law of 1850, keeping the membership of the House at 233.

I say to my fellow-members upon the floor that our bill is in accordance with the principles that are enunciated in this law that was to be the permanent guide of the members of the House. I call their attention to this proviso in that law:

Provided, That the loss in members caused by fractions remaining to the several States in the division of the population thereof shall be compensated for by assigning to so many States having the largest fractions one additional member each for its fraction as may be necessary to make the whole number of Representatives 233.

Clearly, fully, and conclusively showing that in 1850 they had recognized the principle that had been advocated in previous censuses, and that they proposed not only to keep the membership of this House down to 233 men, but they proposed to give that representation upon this floor precisely in the manner that has been proposed by the majority of the Committee upon the Census.

Mr. LONG. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. HOPKINS. I yield to the gentleman.

Mr. LONG. Is not that the first time the rule was followed?

Mr. HOPKINS. Why, Mr. Speaker, I am not now speaking of that. I am speaking of the permanent statute that was placed upon the statute book by the men who had this in charge, when they proposed to fix a rule that would guide all subsequent Congresses upon that subject.

Mr. LONG. Will the gentleman permit——

Mr. HOPKINS. I can not permit the gentleman to interrupt me further.

The SPEAKER. The gentleman declines to yield further.

Mr. HOPKINS. Mr. Speaker, if during any of those times a combination was made by States so that a variation had to be made, that simply shows that combinations can entirely destroy and strike down the great principle that should govern and control the action of this House.

I simply refer to this law to show that the way has been blazed for us by the great men who have preceded us on this floor, and also to the fact that they recognized then that the House, under the then membership, was growing too large for the dispatch of business with orderly procedure in the House.

Now, this bill that has been offered by the minority of the committee is, in the language of the street, what would be regarded as a "mongrel." Part of the representation in this House is based on the figures given to us by the Director of the Census, and when they have taken care of Kansas, Nebraska, Virginia, and Maine, they deliberately add the other States that they want to take into their combination, and say that the apportionment shall be 386, and then come to this House and try to make intelligent men believe that they are representing all the major fractions.

Why, Mr. Speaker, is it that they take the number 384? They take it because by using the major fraction they can take care of Connecticut and give her an additional member; they can take care of Kansas by a majority fraction and give her an additional Representative; they can take care of Maine, and, on a majority fraction, give her an additional member; they can take care of Nebraska, and they can take care of Virginia. Now, mark you, these are the States that are largely interested in the report of the minority committee, and these are the States whose members have been upon this floor denouncing the bill and report of the majority of the committee in unstinted terms.

Mr. LONG. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. HOPKINS. I do.

Mr. LONG. Did we not take care of Illinois on a majority fraction also under that computation?

Mr. HOPKINS. Mr. Speaker, they did not take care of Illinois; and, as I showed at the opening of the debate on this question, Illinois is entitled, under the representation of 386, to 28 members. But whether they had taken care of Illinois or not, that would not have influenced me in the least.

Mr. LONG. Did we not, under the computation?

Mr. HOPKINS. Under the computation. My criticism, Mr. Speaker, is not that Illinois has not been taken care of, because I believe it is my duty as a member of this House not to try to give Illinois any political advantage over her sister States. Illinois, with her magnificent population and her representation upon this floor, can care for her interests whether that representation be 20 or 28. My contention is that these gentlemen in preparing the minority report and bill presented here have made a combination of States to secure political representation and influence in the House to which they are not entitled under a fair apportionment. If their bill be adopted, it has denied to 24 other States their share of representation.

When they say, Mr. Speaker, that they take care of the major fractions we find that while they do with a 384 membership, the moment they make that number 386 they have left the States of Iowa, Massachusetts, Michigan, New York, Ohio, Pennsylvania with major fractions without giving them any representation whatever for such major fractions. If a majority fraction of 102,664 is good for Nebraska, why is not a majority fraction of 102,882 proper for the State of Michigan? If Maine is entitled to an additional member with 114,941, then I want to know why it is that New York, with a majority fraction of 115,826, is not also entitled to a member? Why not Pennsylvania, with a majority fraction of 120,515? Why not the great State of Ohio, with a majority fraction of 100,870? And the grand old Republican State of Iowa, with 106,928?

And yet my friend the gentleman from Kansas [Mr. LONG] undertook in his speech yesterday to say that they had cared for the majority fractions. When they make a membership of 386, it matters not by what process, it is the result we look to, and when we look at the result of 386 members we find they leave six great States that I have named, with major fractions, unrepresented for those major fractions. Is the State of Virginia or the State of Nebraska entitled to a Representative for a major fraction any more than any one of these States? Now, Mr. Speaker, they can not avoid the logic of this situation by simply saying they must stop somewhere.

Mr. LONG. Mr. Speaker, may I interrupt the gentleman?

Mr. HOPKINS. I can not be interrupted now, because my time is passing too rapidly. That is the trouble, Mr. Speaker, with the bill that has been presented here by the minority of the committee. If they want to deal fairly with all of these States, why did they stop at the number 386? Why did they leave these six States out? Why did not they increase the membership? Why did not they go to 395, where no State will lose any member?

I call this to the attention of the members of the House to show that in the combination that is represented by the minority of the committee they are seeking here to gain a political advantage for the States they represent, regardless of the interests of the other States in the Republic, whereas in the bill presented by the majority the committee have taken the figures presented to us by the Director of the Census and have followed them as indicated by previous laws, and, as I have stated, given to us by all statisticians and scientists who have given any attention to this subject.

And yet, Mr. Speaker, I am sorry to say that the gentleman insists that the majority of the committee are attempting to injure some of the States. On Saturday last one of the Representatives from the State of Maine [Mr. LITTLEFIELD] had the floor here for a couple of hours and made an address upon this subject, in which he made this charge against the majority of the committee. He said that the bill we proposed "might well be entitled an act to cripple the State of Maine in her representation on the floor of this House and incidentally to apportion Representatives in accordance with the numbers of the people elsewhere."

Now, Mr. Speaker, I want to state that the majority of the committee had no State and no individual in view in presenting this bill. It is true that under the majority bill Maine is entitled to

only three Representatives, and, if Dame Rumor is to be credited, the seat of the gentleman who addressed the House on Saturday last is the one in danger. In making this statement he takes a modest way to tell the House and the country how dependent the State of Maine is upon him. How delightfully encouraging it must be to his colleagues of that State to know the esteem in which they are held by him.

Maine crippled! Maine, the State of Hannibal Hamlin, of William Pitt Fessenden, of James G. Blaine, of Senators HALE and FRYE, of the great Tom Reed, of the honored and loved Nelson Dingley! That great State crippled by the loss of LITTLEFIELD! Why, Mr. Speaker, if the gentleman's statement be true that Maine is to be crippled by this loss, then I can see much force in the prayer he uttered here when he said, "God help the State of Maine." [Laughter.]

Mr. Speaker, the State of Maine, under this bill that we propose, is as fairly and equitably dealt with as the State of Illinois or any other State mentioned in the bill. It may be her misfortune that the majority fraction is not considered, but under the system that has prevailed for years in this House relatively she loses nothing. As was stated here yesterday, it is not the number of members from any State which constitutes its power and influence in this House. I can remember when Thomas B. Reed was a member of this House, with Nelson Dingley, and that they exerted an influence upon the legislation of this country that was not equaled by the members from any other State in the Republic.

And if Maine desires to hold the high and honored position in the councils of the nation that she has in the past, she must look to the quality of the men she sends, and not the number. And what I say of the State of Maine is equally true of Illinois and of every other State. It is not the number of the men, but it is the character of the men that come here; and, as has been stated again and again, the larger the number the less responsibility there is among the members.

Lessen the membership of the House, and you will find a body in ability and deportment and in the dispatch of business that will rival the Senate of the United States. The scenes which have been enacted here to-day again and again—the Speaker attempting to get order so that the members could be heard—are a good illustration of the fact that a halt should be called in the increase of the representation on this floor.

Mr. Speaker, this question, as I have stated, is one that was considered in 1840 and in 1842 and in 1850. I find that under the Fifth Census the representation in this House was limited to 240 members. That was in 1833. In 1842 the membership was decreased; and for thirty years the membership of the House increased but 3 members. In 1833 we had but 240 members, and in 1863, 243. The population of the United States in 1830 was 12,866,020. When we had increased the number of Representatives on this floor only 3 our population had increased to 31,443,321. So that gentlemen will see that if we do not increase the membership of the House now, we are simply following the precedent that was given to us in the early days by men who had known the troubles that have been experienced by members who have been Representatives on this floor for three or four Congresses.

Now, Mr. Speaker, before I go on to other branches of the case I desire to note some of the objections that were made by the gentleman from Maine on Saturday last to the propositions that were advocated by me the day previous. Among other things, Mr. Speaker, I had occasion to call the attention of the House to the fact that the State of Maine had increased in population less than 10 per cent during the last forty years; but I attributed that to the fact that many of the sons and daughters of Maine had gone to the great West to populate those new and growing States.

The gentleman in following me upon the succeeding day adopted the suggestion I had made, and called attention to the fact that while Maine had not increased the population within her territorial limits as some States had, her sons and daughters were found throughout the great West and had exerted a powerful influence in all of the great States in that section of our common country. And he referred particularly to Chief Justice Fuller of the Supreme Court of the United States, and the debt of gratitude that Illinois owes to the Pine Tree State.

Mr. Speaker, Illinois is quick to respond to a call of that kind. She acknowledges the debt that she owes not only to the great State of Maine, but to New England as well. Their sons and daughters have come to our State and have been welcomed among us and have become some of our best citizens in all the walks of life. They have helped to build up Illinois until she has passed all of her sister States in the West and to-day stands in the front rank of the great States of the Republic.

We are proud of those citizens, and they are proud of their adopted State. The broad prairies of Illinois, the rich soil, and the inviting climate have attracted people from New York, from Pennsylvania, from Ohio, and the Southern States as well. From whatever section of our common country they have come they have received a generous welcome in Illinois, and many of them, like Chief Justice Fuller, have been honored with high places in the State and the nation.

But, Mr. Speaker, were my knowledge of the people of the State of Maine limited to Chief Justice Fuller and the gentleman who addressed this House on Saturday last—when I contemplate the scholarly attainments, the polished manners, the uniform courtesy and fairness of Chief Justice Fuller, I am constrained to say that the sons who have left the State of Maine and have gone to Illinois and other States belong to a different type of men from those who remain at home and run for Congress. [Laughter.]

Mr. Speaker, the gentleman from Maine, in order to show that I had made some kind of a statement which, as he insisted, could not be properly defended, quoted this language from my remarks:

> Now, it would not be in accordance with the requirements of the Constitution to give a greater representation to the fractions than to the integral numbers.

He then went on to say:

> Now, then, if that is a sound constitutional legal statement, it means simply this, that if you give 208,868 a Representative it would not be constitutional to give any less number a Representative. That is the gentleman's own statement. I quote it from the RECORD in order that he may follow it if he likes. Now, take this statement and analyze the gentleman's bill upon that basis, that no bill will be constitutional that gives a Representative in substance to a less number than the whole number. That is his proposition. How does his bill stand upon it? Well, he gives to Arkansas a Representative on the basis of 157,753.

Then, further on, after quoting again my language as I have just read it, he continued:

> You state that as a proposition of law, and it is entirely true that your whole argument gives to that legal proposition an absolute contradiction, or, as some people say, the lie.

Now, taking his statement as he gave it, it would seem that he undertook to convey the idea that I was giving a larger representation on general principles to the fraction than to the integral number. But when you read the quotation in the context it shows my position to be entirely clear and my interpretation of the Constitution to be in accordance with established principles.

After describing how we had arrived at 335 members and that there were 22 members left—4 to be apportioned to States that would have only one Representative and 18 to those with major fractions—I used this language:

> Now, what was the most equitable and just way to dispose of these fractions? The four million and odd thousands that I have mentioned would be entitled only to 22 members, on the ratio that we have already divided among the other States. That aggregation of fractions would not be entitled to 25 members, but only to 22. Now, it would not be in accordance with the requirements of the Constitution to give a greater representation to a fraction than to the integral numbers. It would not be just and proper to take this population that is represented by these various fractions and give them an increased representation. Then what is the most equitable and just way to dispose of the 22 members that represent the fractional numbers?

Then I explained how that is done. Now, Mr. Speaker, the line of argument that the gentleman indulged in, in order to get a seeming inconsistency in my statements, is the same kind of argument that the scoffer indulged in when he said the Bible was a book of blasphemy and he would prove it by reading from the Bible the words "There is no God." When the book was examined it was found that the entire sentence read, "The fool hath said in his heart, there is no God."

The other statements that have been made in regard to my attitude upon this bill are too numerous for me to follow, but I challenge the attention of the House to the fact that no statement was made by me that is not supported by the figures upon which the bill is predicated, and no statement has been made by me that is not fully carried out by precedents that extend over a period of sixty years of our national history.

When the gentleman came to argue against the increased representation upon this floor, he said that time of the members is taken up with other things, and in order not to do him injustice I will quote his exact language:

> How is the time of the members of this House occupied? Is it occupied in legislating upon this floor, or is it occupied from early morning in reading over the last mail that reaches every member voicing the wants of his constituents, 99 per cent of whose demands are aside from any legislation upon this floor?

Then, after stating another reason, he says:

> Or is it because members are obliged to look out for needy constituents who desire to be injected into office, and who, once injected, desire to be promoted or to have their salaries increased, and are not willing to rest upon a letter written to a head of a Department asking him to increase the salary or promote the needy applicant, but must insist upon a member making a personal visit to the head of the Department and pressing the claims of his constituent? [Applause.]

Is that the gentleman's conception of the duties of a member of Congress? Is that the reason that we find him so eager to have Maine given four members of Congress, instead of three, as it is given in the majority bill in this case? Is it his idea that a member should become an office broker here and beg for office and then for promotion from the heads of the different Departments? If so, I can say to the gentleman that his conception of the duties of members of this body is entirely at variance with those of his predecessor. I can say to him, what he already knows, that the civil-service law was enacted in this country years ago, and has

been kept in force from that time to this, in order to keep members from doing that very thing.

What is the duty of a member? To come here and legislate. Then how is he to do it? Not by increasing the number of the members; but if it is necessary to take time and answer letters 99 per cent of which have no bearing upon legislation, let his $1,200 clerk do that. If it is necessary to get additional help, the country would support the members of this House in getting necessary assistance; but I say that when men are selected by the various districts in the States of the Union to come here they are elected to attend to their legislative duties. But, as I pointed out the other day and the gentleman himself admitted, bill after bill is passed in this House without any due consideration. Measure after measure is brought here and the members implicitly follow the lead of the committee without having that intelligent knowledge of the matter that would enable them to exercise their influence upon proposed legislation.

I see, Mr. Speaker, that my time has nearly expired. I desire again to call to the attention of the members of the House the fact that this is a national and not a State measure. We should look to the precedents of our fathers. Suppose the great men who assembled in Philadelphia to frame the Constitution under which we are acting had carried out sectional and State views to the extent the gentlemen who represent the minority have done. The American Republic would still be a dream. Had the people of the various colonies, when that Constitution was presented to them, been actuated by selfish motives such as we find represented in the minority report, that great document would never have been adopted which unites the 45 States into one grand Republic.

But now, Mr. Speaker, without taking further time, I trust that every member of this House will try by his vote to see not what will benefit his district, not what will benefit his State, but what will be the greatest good to the greatest number, and insure the best legislation to the people of the whole country in the future. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COUSINS, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11213. An act for the relief of occupants of lands included in the Algodones grant, in Arizona;

H. R. 11588. An act permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Mo.;

H. R. 4099. An act for the relief of the Macon Trust Company, administrator of the estate of Samuel Milliken, deceased;

H. R. 6344. An act to remove the charges of desertion from the records of the War Department against Frederick Mehring;

H. R. 2955. An act providing for the resurvey of township No. 8, of range No. 30, west of the sixth meridian, in Frontier County, State of Nebraska; and

H. R. 12447. An act to amend an act approved June 1, 1900, entitled "An act to create the southern division in the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein."

REAPPORTIONMENT.

The SPEAKER. The Clerk will proceed to read the first section of the pending bill.

The Clerk read as follows:

Be it enacted, etc., That after the 3d of March, 1903, the House of Representatives shall be composed of 357 members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 6; California, 7; Colorado, 2; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 11; Idaho, 1; Illinois, 23; Indiana, 12; Iowa, 11; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 13; Michigan, 12; Minnesota, 8; Mississippi, 7; Missouri, 15; Montana, 1; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 9; New York, 35; North Carolina, 9; North Dakota, 1; Ohio, 20; Oregon, 2; Pennsylvania, 30; Rhode Island, 2; South Carolina, 6; South Dakota, 2; Tennessee, 10; Texas, 15; Utah, 1; Vermont, 2; Virginia, 9; Washington, 2; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

Mr. BURLEIGH. Mr. Speaker, I desire to offer an amendment.

The amendment was read, as follows:

Strike out all of section 1 after line 2, page 1, and insert the following:

"That after the 3d day of March, 1903, the House of Representatives shall be composed of 386 members, to be apportioned among the several States as follows: Alabama, 9; Arkansas, 7; California, 8; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 25; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 7; Maine, 4; Maryland, 6; Massachusetts, 14; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 16; Montana, 1; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 10; New York, 37; North Carolina, 10; North Dakota, 2; Ohio, 21; Oregon, 2; Pennsylvania, 32; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 10; Texas, 16; Utah, 1; Vermont, 2; Virginia, 10; Washington, 3; West Virginia, 5; Wisconsin, 11, and Wyoming, 1.

Mr. BURLEIGH. Mr. Speaker, this amendment is the first section of what is known as the Burleigh bill, found on page 117 of the report of the committee.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. CLARK of Missouri. I rise for the purpose of offering an amendment.

The SPEAKER. The gentleman is not yet in order. The gentleman from Maine [Mr. BURLEIGH] has the floor. The Chair will state that the gentleman from Maine has offered an amendment to strike out and insert section 1. This will leave the House, however, the privilege of perfecting the first section before the substitute of the gentleman from Maine is voted upon; but the gentleman from Maine, on his amendment, has the floor if he desires to occupy it at this time.

Mr. BURLEIGH. I desire to say, Mr. Speaker, if it was not fully understood before, that the amendment I have proposed is the first section of the Burleigh bill, found on page 117 of the report of the Committee on the Census.

Mr. WHEELER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WHEELER. Would it not be in order to offer a substitute for the pending amendment?

The SPEAKER. This is a substitute now pending.

Mr. WHEELER. I understood the gentleman from Maine to offer an amendment to the first section.

The SPEAKER. It is an amendment in the nature of a substitute.

Mr. WHEELER. Mr. Speaker, is the substitute subject to amendment?

The SPEAKER. Undoubtedly, when it is reached for that purpose. The first thing is the perfection of the text of the original section, after which the Burleigh amendment will be in order, to be perfected and then voted upon.

Mr. SPALDING. Mr. Speaker, I desire to offer an amendment to the first section of the bill of the majority, for the purpose of perfecting it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend in line 5, page 1, by striking out the word "fifty-seven" and inserting in lieu thereof the word "sixty."

In line 8, page 1, after the word "Colorado," strike out the word "two" and insert in lieu thereof the word "three;" and after the word "Florida" strike out "two" and insert in lieu thereof the word "three;" and in line 3, page 2, after the words "North Dakota," strike out the word "one" and insert in lieu thereof "two."

Mr. SPALDING. Mr. Speaker, it will be observed that the effect of this amendment is to increase the representation of the three States having, under the bill of the majority, a major fraction each of the basis of representation, namely, the States of Colorado, Florida, and North Dakota. The advocates of the minority or Burleigh bill charge that injustice is done these States by the majority or Hopkins bill, and some at least of the advocates of the Hopkins bill concede that if these additional Representatives were given these States as nearly exact justice would be done as can be done in any bill which may pass this House.

The proposed amendment will place the Hopkins or majority bill in such shape that if it does pass it may right the wrong proposed by the bill as introduced and reported by the committee. Permit me to call attention to this fact, that the State of North Dakota, by the census of 1900, has a population of 319,146, and a constitutional population, that is, a total less Indians not taxed, of 314,454. This is the largest number of people represented by any one member from any State or district under the Hopkins bill. It is said that anything can be proven by figures, and we had a remarkable illustration of the correctness of that saying in the discussion of this measure.

I do not contend that exact and equal justice can be done every State by any measure; but, in my judgment, the most nearly we can hope to approach it is to fix our basis of representation, and then give each State a member on that basis and an additional one for a major fraction. This is the method pursued in nearly all the States in fixing the basis of representation in Congressional, State, and other conventions. The line must be drawn somewhere, and it is drawn at the dividing line between the major and minor fraction. This applies to any House, either large or small. But in the light of figures, see for a moment what is disclosed by an analysis of the measure now before the House.

Pennsylvania is given a member for each 210,070 of its population; North Carolina, 1 for 210,423; Oregon, 1 for each 206,768; Mississippi, 1 for 221,610; New York, a member for each 207,554; South Dakota, 1 for each 195,319; New Hampshire, 1 for each 205,794; Vermont, 1 for each 107,821; Florida, 1 for 264,271, without this amendment; Colorado, 1 for 269,551, likewise before amendment, and Maine, a member for each 231,469, while North Dakota is only given 1 member for a population of 314,454. If Maine has ground for complaint what can be expected of the people of the State of North Dakota on this basis of representation? But apply a few figures in another direction. Of course from a

legal standpoint this may have no effect, but the conclusion is certainly warranted that the condition of affairs in the Southern States ought to be the subject of careful investigation.

At the recent Presidential election for the leading candidates for President and Vice-President there were cast in the State of Georgia approximately 1 vote for each 19 of its population; in Louisiana, 1 vote for every 22; in Mississippi, 1 vote to 27, while in the country at large the average is about 1 to every 5 of the population, and in my State, owing to the large number of miners, about 1 to 5½. One of two conclusions must be correct. Either a large part of the population in the Southern States is in some way prevented from exercising the right of suffrage or the people take too little interest and are too unpatriotic to do so.

Several gentlemen upon the other side attempt to explain by saying that their elections are practically settled or determined at the primaries which place their candidates in nomination, but the figures which I have used are for the election of President and Vice-President, and whatever may be the effect of primary elections upon local candidates, they certainly have no such effect upon Presidential votes.

Mr. Speaker, the solemn duty of every member of this House and his oath of office require an investigation of the conditions in those States where so small a percentage of the population makes itself heard in electing persons to the highest office in the land. It matters not how patriotic their Representatives may be, nor how their great hearts may throb in unison with the hearts of the patriotic North, the fact remains that the rights of citizenship are not exercised in those States.

But, Mr. Speaker, members of this House are well aware that usages exist not sanctioned by law, but nevertheless usages which have become so well established as to have the force of law among the members of this House and their constituents. Under such usages each member has duties to perform for his constituents outside the halls of Congress and outside his committee rooms. We are required to look after the needs of our constituents in the various Departments.

We are expected to take charge of all the post-offices in our respective districts or States, make recommendations for the appointment of proper persons, investigate applications for the establishment of new offices and increase of mail facilities, expedite applications for pensions, secure the appointment of constituents to civil offices, and a thousand and one other things. These, I doubt not, each member is ready, willing, and pleased to consider in the interests of his constituents, yet, nevertheless, all detract from his time and take his attention from the legitimate business of legislation, and necessarily in many instances to such an extent as to deprive him of the power to act intelligently on bills of great national importance.

Why, sir, the Representative from the State of North Dakota has on his list more than 650 post-offices. At least once in four years a change is asked, and in a majority of cases a contest waged. He is expected to decide on the merits of the respective applicants, and settle all the difficulties. One of his greatest burdens is to investigate and make recommendations with reference to new offices in a rapidly growing and thinly settled State, and I submit that there is not a man on this floor who, either unaided or aided by a clerk of large executive ability, can attend to these multifarious duties and have time or strength left to give any consideration whatever to matters of legislation, which should be of first importance. I submit that no member from any State in the Union has any such number of offices under his supervision as has the member from the State of North Dakota. In this respect city members have a great advantage over those from country districts. They are able to devote their energies to legislation.

Will not the members of this House give relief to the State of North Dakota, giving it such representation as a majority fraction is entitled to? This will divide the burdens incident to a new country and a new State in half. Mr. Speaker, these are not the only considerations involved in this amendment. As I have stated, the population of North Dakota is 319,146. That is an increase during ten years of 75 per cent, the largest percentage increase of any State except one. Very much the larger portion of that increase has occurred during the last five years, and it is safe to say that while the average has been 13,500, more than 20,000 has been the average increase during the past five years.

If this continues for another decade, you can very readily see, Mr. Speaker, that at the end of that period the population will be more than half a million, much of which will be represented by one member during all that time. This increase will continue. The productive Government lands are occupied in other States, and the business of the United States land offices in that State during the past year surpassed all records. The total number of acres in farms in 1900 was over 11,000,000. The number of acres under cultivation in 1890 was about 3,000,000. This acreage had increased in 1900 to more than six and one-half million.

Population, age, and everything considered, no State compares with it. Its soil is the most productive on the face of this continent, its summers the most sunny, and its winters the most exhilarating. But, Mr. Speaker, it contains other and more important elements than cereals, stock, and farms. It contains a population composed of the most thrifty, intelligent, and energetic races of the Old World, and immigrants from the rock-ribbed hills of New England and the prairies of the middle West. I suppose one-third of its population is foreign born—natives of Norway, Sweden, Germany, Russia, Great Britain, and Canada—while one-third are natives of New England, Ohio, Illinois, Iowa, Wisconsin, and Minnesota.

Pursuing very largely a common vocation and enduring common hardships, they have developed that hardihood, industry, and thrift and those other elements of good citizenship which characterized the early settlers of the Atlantic colonies. They take an interest in the affairs of government, and with them the right of free speech is never abridged. They gather at the schoolhouses, the country stores, and post-offices and discuss questions of national importance, exchange their views, and go to their homes the wiser and better prepared to cast their ballots intelligently.

With 96,000 children of school age they expend over $1,275,000 annually for school purposes. The elementary principles of civil government are taught, and from every public school float the Stars and Stripes. Love of country is the first lesson implanted in the schoolboy's breast, and his duties and obligations as an American citizen are his topic as he delivers his valedictory.

Mr. Speaker, these are some of the reasons why I predict a steady growth in population during the next decade in that State, and say that, considering this and the fact that we already have a major fraction on the basis fixed by this bill, we ought not to be cut off with 1 Representative. I therefore appeal to the advocates of both these bills to not oppose this amendment.

By adopting it the inequalities and injustice of which both sides now complain will be remedied and it will become simply a question of increase in the membership of the House. By voting for this amendment you will only conform your acts to your admissions in argument and do justice to intelligent, loyal, and patriotic sections of our great country. [Applause.]

Mr. WILSON of South Carolina. Mr. Speaker, I regret to say that I shall have to oppose the amendment offered by the gentleman from North Dakota. North Dakota, along with Colorado and Florida, will be taken care of in the minority report, and I can not consent, when their right is preserved by that minority report, that they should make terms with the enemy after battle is joined.

Again, Mr. Speaker, it would destroy the perfect symmetry which has characterized the system adopted by the chairman of the committee, and which he has adorned by his argument upon this floor, to allow those 3 States to the extent of 3 exceed his 22, which, according to his statement, already have been exhausted, as to add 3 more States to his 22, by increasing the number from 357 to 360, would destroy the two magnificent arguments with which the House has been regaled. My friend must wait until the Burleigh bill is voted upon, and I think we can assure him that North Dakota will be taken care of.

Mr. SHACKLEFORD. Mr. Speaker, I desire to offer a substitute for the amendment offered by the gentleman from North Dakota, which I send to the desk.

The SPEAKER. The Chair will state to the gentleman from Missouri that this amendment appears to be a substitute, something after the form of the Burleigh substitute, and having the same purpose. It clearly can not be entertained at this time, or until the Burleigh substitute is disposed of.

Mr. SHACKLEFORD. Can not I offer it as a substitute for the amendment offered by the gentleman from North Dakota?

The SPEAKER. It would not be germane to that amendment.

Mr. SHACKLEFORD. Can I have it considered as an amendment pending, as the Burleigh substitute is?

The SPEAKER. The Chair can not say that, It is not germane to the amendment offered, and it has the same appearance as the Burleigh amendment.

Mr. SHACKLEFORD. May I have the amendment read in my time?

The SPEAKER. The gentleman can have that done. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 1 by striking out all after the word "composed," in line 4, and inserting in lieu thereof the following:

"Of 400 members, to be apportioned among the several States as follows: "Alabama, 10; Arkansas, 7; California, 8; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 12; Idaho, 1; Illinois, 23; Indiana, 13; Iowa, 12; Kansas, 8; Kentucky, 12; Louisiana, 7; Maine, 4; Maryland, 6; Massachusetts, 15; Michigan, 13; Minnesota, 9; Mississippi, 8; Missouri, 17; Montana, 1; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 10; New York, 39; North Carolina, 10; North Dakota, 2; Ohio, 22; Oregon, 2; Pennsylvania, 34; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 11; Texas, 16; Utah, 1; Vermont, 2; Virginia, 10; Washington, 3; West Virginia, 5; Wisconsin, 11; Wyoming, 1."

Mr. SHACKLEFORD. Now, Mr. Speaker, the proposition is

to make the number of Representatives 400, and I believe that the majority of this House will agree with me that that is not too many. I am a Democrat, and one of those Democrats known as the organized Democracy, and that does not need to be reorganized.

I believe in the distribution of the Representatives among the people, and the more representation is disseminated amongst the people the more nearly we approach a republican form of government. Believing that, I shall always argue that we ought to have a large representation in Congress. If the rules, as has been complained of, do not permit deliberation, I shall live in hope that some day they may be changed so that they will afford the people better opportunities to be heard through their Representatives. I am therefore in favor of a large representation, as widely distributed among the people as possible. Having that view, I will again offer this amendment when it shall be in order.

Mr. McLAIN. Mr. Speaker, in reading over the findings of the Select Committee on the Twelfth Census, to whom was referred the question of an apportionment among the several States under that census, as provided by Article XIV, section 2, of the Constitution of the United States, we find three reports. The majority report recommends that after the 3d day of March, 1903, the House of Representatives shall be composed of 357 members, the same as the present representation. Under this, Mississippi is assigned 7 members, that being her present number. The minority report, which is signed by 6 members of the committee, recommends a House consisting of 386 members, and under this apportionment Mississippi is assigned 8 members.

As to the relative merits or demerits of these two respective reports I shall not for the present discuss, but will say in passing that I shall support the minority bill known as the Burleigh bill. Under either of these two Mississippi is treated equitably and fairly. The only question involved in these two reports is at what number shall the House of Representatives be fixed. All States under either of these two propositions receive their just quota of members. But, Mr. Speaker, there is a third report, in which I am greatly interested and to which I desire to pay my respects. That report is the one made by the gentleman from Indiana [Mr. CRUMPACKER]. Out of the 13 members composing that committee he is the only one that favored it, and it is prepared and signed by him only.

In it he recommends that the size of the House be fixed at 374, and he further proposes to reduce the representation of the States of Louisiana, Mississippi, North Carolina, and South Carolina three each, for alleged disfranchisement of citizens. This being a direct blow at my State, in common with some others I feel that I should enter my protest. On yesterday he presented his views at length to this House. I am sorry, indeed, he has thrust this question upon this House. It comes unwelcome and unbidden. The committee before whom it was referred refused to indorse it. I am told that it does not meet with the views of his own party, and I am quite sure the sentiment of the country is against it.

Regardless of all this he drags it before this House, having received but little, if any, encouragement of a substantial nature from any source. I trust he is in some measure satisfied. The matter seems to lie heavily upon the gentleman's conscience, and he seems to feel it is his heaven-imposed duty to draw a special indictment against my State and some others, charging us with being lynchers and suppressers of the franchise, and upon this he asks a verdict of guilty as charged at the hands of this House, and that the sentence be that we be robbed of a portion of our constitutional representation in Congress.

The gentleman has been pressing this matter for several sessions of Congress. He is honest and sincere in his demands, but I take it he is an enthusiast, and like all extreme enthusiasts he is governed more by sentiment than by reason. Doubtless his investigations of this subject have been laborious, but chiefly from one standpoint. All men investigating a question under these conditions are liable to blunder, because they do not weigh and square things up in their true proportion and just relations to other things.

The discussion of this matter, injected in here by this amendment of the gentleman from Indiana, can not be productive of any good results, but, on the contrary, I can see where evil fruit may flow from its consideration. Handling it as temperately and prudently as possible, it will have a tendency to revive the old sectional question. For this reason I would not make any remarks on the proposition if the gentleman had not embodied in his printed report and in his speech before this House on yesterday, which is now a part of the record of this House, such a bitter denunciation of my section.

If there is any question that has or will ever come before Congress which should be disarmed of all passion it is this amendment now pending before us, for it brings up in an indirect way as to how a certain section of the South can keep the Constitution of the United States inviolate and at the same time preserve their own safety and good government. Speaking for my State, what we did to restrict suffrage was not done to degrade, oppress, or impede any class of her citizens, but in the interest of good morals and clean government.

On this line he says, in speaking of the negro:

> He has no rights that the white man is bound to respect, and he may be shot down, hanged, or burned at the stake, without regard to legal procedure or sanction, with absolute impunity. The perpetrators of these crimes against civilization do not make the poor excuse that the penal machinery is inadequate. And the most appalling aspect of the situation is that in some of the most atrocious instances of mob execution the work is done in broad daylight and no effort is made on the part of the perpetrators to conceal their identity. No prosecutions ever follow. No victim of the most frenzied religious bigotry in ages past ever received more shockingly brutal treatment. The torture is indescribable. The Federal Government is powerless to prevent these outrageous crimes and the local authorities will not.

Such are some of the accusations he brings against the Southern people. "He has no rights that the white man is bound to respect," says the gentleman. This, sir, I deny. We are not outlaws banded together to plunder and rob a poor and helpless race. Speaking for my State, I assert that there is not a State in this Union more generous and liberal to this people than Mississippi. We are just and kind to him. He finds employment the year through at remunerative prices. If there is to-day an unemployed negro in my State, it is from choice or laziness. No laboring class beneath the sky extracts more real joy and pleasure, contentment, and happiness out of life than the negro of Mississippi. "He may be shot down, hanged, or burned at the stake with absolute impunity," says the gentleman from Indiana.

This is pretty strong language. It is as unkind as it is undeserved. From this language one would judge that we go out, on the slightest provocation, and shoot them down like a lot of worthless cats, or that he may be mobbed for political reasons, or from any other cause, whenever it suits our fancy. This, sir, is not true. Occasionally lynching does occur in the South, as it does in other sections of the country, not for political causes or some petty crime, but for the commission of some atrocious crime, principally rape. It has been my observation that in most any section of this Union, if some notorious defier of the law commits some flagrant crime that stirs from center to circumference the community in which it is committed, it is hard to restrain mob violence.

If some brute outrages a good and pure woman, her family and neighbors usually get aroused sufficiently to take their guns and shoot him like they would a mad dog passing through their midst. This is all wrong, but nevertheless it occurs in all parts of this Union. The mob who thus acts is aroused to desperation over the outrage on womanhood, and when it pauses to consider, shall the law deal with the wretch, it is still further bewildered, confounded, and infuriated at the thought. If this course is pursued, the outraged woman must not only face the public, a court, and jury, and there relate the unspeakable wrongs so cruelly inflicted upon her, but must also relate it in the presence of the brute who has destroyed her life.

Mob violence knows no geography when certain conditions are pressed to the front. I do not say it is right. It is to be deplored. When the gentleman makes this charge of crime against the Southern section alone, it occurs to me this is an issue he can not well afford to challenge. I do not like to be critical. As a rule, when an accusation is made against my section, I hate to answer the accuser with a counter charge on his section, or, as it is sometimes expressed, "You are another!"

But the opportunity here is too good to let the chance slip by without calling the gentleman's attention to just a little of the history and "devilment" of his own State, and in doing so I want to say to the people of that great State that I do not do this to cast any unnecessary reflections upon her good name; but one of her Representatives on the floor of this House has invited this line of argument. As he has done this, I wish to show to him, by way of comparison, that Mississippi is just as law abiding as his State—one of the foremost and most progressive States of this Union.

Are Mississippians and the people of the South generally less civilized than the people of Indiana? I think not. I do not think I can be accused of extravagance when I say the world has never known a truer and better people than the white people of the South. They are brave and hospitable, chivalric and patriotic. They are true to home and family, true to friend and themselves, true to country and to God. In what respect are the Southern people more lawless than the people of Indiana? In the light of their respective histories let them be judged.

When you turn the great searchlight of truth upon Indiana's record on this line you will find there has been as much, or more, lynchings there within the last few years than in Mississippi or any other Southern State; and as to crimes committed by "White Caps," heretofore laid at their door by the press of the country, such as whippings and other outrages, they are too numerous to mention. These lawless "White Caps" could jerk up and whip vagabonds in Indiana in great numbers and it scarcely attracted attention, but a less grav crime committed in the South on a similar class of people is solemnly accepted as proof, by the gentleman from Indiana and some others, that the negro race is being lynched, hanged,

or burned at the stake. The gentleman "can see the mote in the eye" of his Southern brother, but he "can't see the gin-house in his own."

Indeed, as to lawlessness the gentleman's State easily occupies high rank. I say this in all kindness to the gentleman from Indiana and to the people of his State. Just as good people there as ever trod the green carpet of God's earth. Just as good as you will find anywhere—indeed, the great mass of her people are respecters of the law—but the people there are just like people elsewhere, that, under certain abnormal conditions, they may be provoked to violence. Human nature is the same all over the world. But before I pursue this question of lynchings and crimes in Indiana any further, I want to first show by the written history of this State, the home of the author of this bill, that she has always looked upon the negro as an inferior race, and justly so, and has discriminated against him in her laws and in her State constitution.

Let me briefly present the facts on this line. Her first constitution, adopted in 1816, contained a provision that only whites were allowed to vote and only whites could be in the militia. As time rolled on did this feeling or prejudice against the negro grow less or greater? In answer to this let the statute of 1831 speak (see revision of 1831, p. 375):

An act concerning free negroes and mulattoes, servants and slaves. (Approved February 10, 1831.)

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That from and after the 1st day of September next no black or mulatto person coming or brought into this State shall be permitted to reside therein unless bond, with good and sufficient security, be given on behalf of such person of color, to be approved of by the overseers of the poor of some township in this State, payable to the State of Indiana, in the penal sum of $500, conditioned that such person shall not at any time become a charge to the said county in which said bond shall be given, nor to any other county in this State, as also for such person's good behavior; which bond shall be filed in the clerk's office of the county where the same may be taken. And a conviction of such negro or mulatto of any crime or misdemeanor against the penal laws of this State shall amount to a forfeiture of the condition of such bond: *Provided*, That on any suit brought upon such bond for the penalty thereof a less sum than the penalty may, in the discretion of the jury trying such action, be assessed against any defendant or defendants by way of damages.

SEC. 2. If any negro or mulatto coming into this State as aforesaid shall fail to comply with the provisions of the first section of this act, it shall be, and is hereby, made the duty of the overseers of the poor, in any township where such negro or mulatto may be found, to summon him, her, or them to appear before some justice of the peace, to show cause why he, she, or they shall not comply with the provisions of this act, which summons shall be issued by a justice of the peace on the application of any overseer of the poor in this State, and shall be executed by the proper constable. And if such negro or mulatto shall still fail to give the bond and security required by the first section of this act, after being brought before such justice as aforesaid, it shall be the duty of the overseers of the poor of such township to hire out such negro or mulatto for six months, for the best price in cash that can be had. The proceeds arising from such hiring shall be paid into the county treasury of the proper county, for the use of such negro or mulatto, in such manner as shall be directed by the overseers of the poor aforesaid: *Provided, however*, That it shall be lawful for the overseers of the poor to remove such negro or mulatto without the jurisdiction of this State, in the same manner and under the same rules and regulations as are pointed out in the act for the relief of the poor, instead of hiring such negro or mulatto out, at the discretion of said overseers.

SEC. 3. Any sheriff or jailer who shall hereafter commit or suffer to be committed to prison any negro or mulatto without a lawful mittimus or being otherwise authorized by law for that purpose, or under the provisions of this act, shall be fined, upon presentment or indictment, in any sum not less than one hundred nor more than five hundred dollars.

SEC. 4. Should any person or persons knowingly engage or hire or harbor such negro or mulatto, hereafter coming or being brought into this State, without such colored person first complying with the provisions of this act, such person or persons so offending shall pay a fine of not less than five nor more than one hundred dollars, to be recovered by presentment or indictment.

SEC. 5. That the right of any person or persons to pass through this State with his, her, or their negroes or mulattoes, servant or servants, when emigrating or traveling to any other State or Territory or country, making no unnecessary delay, is hereby declared and secured.

On March 4, 1852 (see Special Laws of Indiana, 1852, p. 175), the general assembly of Indiana passed "A joint resolution on the subject of the slave trade, and for the purpose of colonization," and in the advocacy of this plan used, among other things, this forcible language:

And that it is the duty of the Congress of the United States and of the legislatures of each of the States of this Union to enact such laws, in harmony of each other, as would promote a general system of colonization, not only for the purpose of suppressing the African slave trade, but also to separate, as far as possible, the white and the black race upon this continent by sending off, where they might consent to it, all colored persons in the United States, except those who may be held in service, to such colonial states without cost, and providing for their comfort there for a reasonable period afterwards; thus making some compensation to an injured race for the wrongs and the oppressions for ages, and relieving ourselves from a population which, although amongst, can never be of us in social or political rights, and for that cause are at all times liable to become a source of public charge and of public annoyance in each State where they may reside, and of causing irritation and bad neighborhood in the feelings of the States themselves.

You will note that this resolution expressly emphasizes the fact that this course of colonization will be of great benefit in "relieving ourselves from a population which, although amongst, can never be of us in social or political rights, and for that cause are at all times liable to become a source of public charge and of public annoyance in each State where they may reside." But I must pass on. I will next call your attention to the constitution of 1851 of Indiana:

ARTICLE II.

SUFFRAGE AND ELECTION.

SEC. 5. No negro or mulatto shall have the right of suffrage.

ARTICLE XIII.

NEGROES AND MULATTOES.

SECTION 1. No negro or mulatto shall come into or settle in the State after the adoption of this constitution.

SEC. 2. All contracts made with any negro or mulatto coming into the State contrary to the provisions of the foregoing section shall be void, and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than $10 nor more than $500.

SEC. 3. All fines that may be collected for violation of the provisions of this article, or any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set aside and appropriated for the colonization of such negroes and mulattoes, and their descendants, as may be in the State at the adoption of this constitution and may be willing to emigrate.

SEC. 4. The general assembly shall pass laws to carry out the provisions of this article.

This constitution was adopted by the people in 1852, and the general assembly of the State on June 18, 1852 (see Indiana Revised Statutes, 1852, p. 375), passed an act to enforce and carry out the provisions of the above article of the constitution.

Did the people of Indiana pursue this question any further? Let me read from the statute of Indiana (see Laws of Indiana, 1853), which speaks for itself:

Be it enacted by the general assembly of the State of Indiana: No Indian, or person having one-eighth or more of negro blood, shall be permitted to testify as a witness in any cause in which any white person is a party in interest.

The supreme court of Indiana (see 7 Indiana Reports, p. 389) in the case of Barkshire *vs.* The State, in passing upon the thirteenth article of the constitution and the act of 1852 to enforce its provisions, says:

The thirteenth article of the constitution, in inaugurating this policy, was separately submitted to a vote of the people, under the title of "Exclusion and colonization of negroes." It is a matter of history how emphatically it was approved by the popular voice. A constitutional policy so decisively adopted, and so clearly conducive to the separation and ultimate good of both races, should be rigidly enforced.

This decision was rendered in 1856. After the civil war the supreme court of Indiana (see Smith *vs.* Moody et al., 26 Indiana Reports, p. 299), in 1866, held that the thirteenth article of the constitution of Indiana and the act of June 18, 1852, enforcing the provisions of the same, are repugnant to the Constitution of the United States.

Such in brief, Mr. Speaker, is the legislative history of Indiana on this negro question. Of course, all legislation of this character, in this and all other States, has been swept away by the amendments to the Constitution of the United States. But has this brushed away that racial distinction and feeling that gave birth to these now obsolete statutes? These laws passed in her early history clearly show that she did not regard the negro as a safe and fit person to be armed with suffrage, and this is my chief reason in pointing out these laws, and not with the view of attempting to cast any aspersion upon the great Commonwealth of Indiana.

Has these changed conditions in the law obliterated all race feeling in that State? Let us see. Here within the last month pandemonium, so to speak, broke loose in the towns of Rockport, Boonville, and Cementville. The mob killed two negroes in the town of Brookville and one in Rockport, and from the facts connected with this lawless and bloody scene it seems, quoting the language of the gentleman from Indiana, "he has no rights that the white man is bound to respect, and he may be shot down, hanged, or burned at the stake, without regard to legal procedure or sanction, with absolute impunity." "And the most appalling aspect of the situation is" that this most atrocious exhibition of mob execution "is done in broad daylight and no effort is made on the part of the perpetrators to conceal their identity."

Remember this bloody tragedy occurred in the very heart of the towns of Rockport and Boonville, having a population of 2,822 and 2,037, respectively. But for all this would you denounce the people of Indiana as criminals? Would you denounce the people of these towns as outlaws? I think not. Again I repeat, human nature is the same the world over. The race feeling and the lynching of negroes, when certain conditions materialize, occurs as freely in Indiana as it does in any part of the South. How and why this recent lynching occurred can be better told by the following clipping from the Courier-Journal of December 19, 1900:

SHORT WORK MADE OF TWO NEGROES BY INDIANA MOB—WENT AFTER A THIRD, BUT WERE DEFIED BY HIS EMPLOYER—WHITE BARBER MURDERED—WAYLAID AND ROBBED AS HE RETURNED FROM HIS WORK—BLOODHOUNDS ON THE TRAIL—QUICKLY TOOK THE SCENT AND CARRIED IT TO WHERE THEY WERE IN JAIL—EVERYTHING OPENLY DONE.

[Special.]

ROCKPORT, IND., *December 18.*

The murder of a white barber at an early hour this morning was followed by the lynching to-night of two negroes, James Henderson and Bud Rowland. On Saturday night about 1 o'clock H. S. Simons, a barber, was waylaid and

murdered on his way home from his shop. His body was not discovered till about 5 o'clock this morning, and at once Henderson and Rowland were suspected of the crime. Sheriff Anderson arrested both of them at 9 o'clock and put them in jail. Henderson lives in North Rockport and Rowland was at Henderson's home when the arrests were made.

The people were thoroughly enraged and determined to avenge the brutal murder of Simons as soon as it could be definitely determined who the murderers were.

BLOODHOUNDS TOOK THE SCENT.

A telegram to Morganfield, Ky., resulted in a bloodhound being on the spot where the crime was committed in a few hours. The dog went direct from where Simons's body was found to Henderson's home, and then from there to the cell in the jail where Henderson had been placed some seven or eight hours before.

There was no restraining the enraged people longer. Everybody knew there was going to be a lynching. Sheriff Anderson sent his family away from the jail residence to the Veranda Hotel.

THE MOB FORMS.

As soon as dark began to gather over the little city signs of the organizing mob were easily discernible. Hundreds of men began to move toward the jail, and by 7 o'clock 500 people had surrounded the jail and made a demand for Henderson and Rowland. Jailer Anderson refused to surrender them, and the mob attacked the jail. They overpowered him to get possession of the keys, and he told them he had sent the keys away.

JAIL DOORS BATTERED DOWN.

The mob then attacked the jail doors with axes and sledges. It required nearly three-quarters of an hour to batter down the doors and get on the inside. Henderson was in a cell in the lower tier and Rowland in the upper. The door to Rowland's cell soon gave way, but the door to Henderson's cell was more strongly built and successfully resisted the attack.

ANOTHER NEGRO ACCUSED.

Growing impatient the mob fired about 20 shots into Henderson's cell and into his body. Rowland was taken out and before he was strung up made a confession. He said that he and Henderson and another negro named Joe Rolla, night porter at the Veranda Hotel, committed the crime, and the motive was robbery. He said that Rolla held Simons while he beat him over the head with an iron bar and Henderson with a billet of wood.

BOTH BODIES STRUNG UP.

Rowland was strung up, and by this time Henderson's body had been gotten out of the cell, and it was strung up beside Rowland. The mob then riddled the bodies with bullets, over 500 shots being fired.

THE MOB DEFIED.

Then the enraged crowd made a rush for the Veranda Hotel to secure Rolla, implicated by Rowland in his confession. Mr. C. R. de Bruler, proprietor of the hotel, had already heard of Rowland's confession, and knowing it to be false as to Rolla, took his stand at the door to Rolla's room, and, with drawn pistols told the mob that Rolla was innocent, and they would have to kill him before they could get Rolla.

Two or three cooler heads in the mob insisted that Mr. De Bruler, who was an honorable citizen, be given an opportunity to prove the innocence of Rolla. Mr. De Bruler then mounted a counter and made a speech to the mob. He said he knew personally that Rolla was not away from the hotel Saturday night, and he called other witnesses, by whom he substantiated the fact, and the mob dispersed.

Rolla then left the city as quickly as he could get away.

ROBBERIES HAD BEEN COMMON.

The feeling in Rockport to avenge the murder of Simons was intensified by the fact that within the past two weeks about a dozen houses have been robbed, and Henderson and Rowland were suspected. Other negroes are also suspected, and unless the robberies cease there may be other lynchings.

The mob was a determined one, but it went quietly and coolly about its business. The members would have brooked no resistance, and had Sheriff Anderson undertaken to protect the negroes with a guard there might have been a bloody battle.

COMPOSED OF BEST PEOPLE.

The mob was composed of the best people of Rockport. They wore no masks, and they did not make any effort at all to conceal their identity. They were orderly, and only 15 or 20 shots were fired in the air to keep bystanders from crowding up.

Within one hour after the mob attacked the jail they had finished their work.

VICTIM A MARRIED MAN.

Simons was a young man 29 years of age. He was married, and left a wife and one child. He came to Rockport from Winslow, Ind., about two years ago. He was an honest, industrious young man, and was highly respected.

The wounds upon his head presented a shocking sight. There were twelve distinct cuts on the head and face. His head was beat into a jelly, the left eye was knocked out, and the brains oozed out of his skull. The weapons used were a bar of iron about 2 feet long and an oak standard from a wagon sideboard.

EXODUS OF NEGROES.

Eight other negroes were arrested as suspects, but they were able to establish alibis. It has created such intense fear that several negroes have disappeared from Rockport to-night, and those remaining in the city are staying off the streets.

After the mob dispersed many went to their homes, while hundreds crowded around the hotels and other public places to discuss the lynching; and the declaration was boldly made that every time a future robbery occurred in Rockport the people were going to ferret out the robbers and string them up; that robbery had become so common and so bold that safety to the people demanded that stringent measures be resorted to in order to check it.

Theodore Evans, brother-in-law of Simons, and also his partner in business, is prostrated as the result of Simons's murder, and the attending physicians say his life is in danger.

THE CRIME MOST BRUTAL—NEGROES FRIGHTENED AWAY BEFORE THEY COULD ROB THEIR VICTIM.

[Special.]

ROCKPORT, IND., *December 16.*

The place where Simons met his fate was an ideal place for such murderous work. It was near the corner of Fifth and Elm streets. A high board fence faces the pavement for about 40 feet, and terminates in an alleyway. When he reached this place, he was struck by one of the negroes with a long club, which had a nail in the end of it, crushing his skull. The nail entered his forehead and came out through the eye.

The indications show that a fierce and desperate struggle followed, as the ground had been trampled down and was covered with blood for a distance of about 15 feet up and down the edge of the road.

Simons's cries and groans soon brought Frank Jones and Billy Stateler, two country boys, who were returning home, to the scene, but it was too dark to see anything. They then lit a match, and one of the robbers, who was hiding behind the fence, threw the tail gate of a wagon at them to frighten them away, as the robbers had not had sufficient time to search their victim after committing their nefarious crime.

The gate struck Stateler on the leg and severely wounded him, and he is now confined to his bed on account of it. The robbers then made good their escape, as the two boys who so bravely came to the rescue stayed by the victim and lustily called for help.

A small crowd soon collected, and after a futile search for the criminals they carried the murdered man to the home of his brother-in-law, where he lingered until 4 o'clock, but never regained consciousness.

Simons's head was crushed and beaten into a pulp, while his face was bruised and cut in a number of places.

The nail had entered the head six times, making terrible wounds.

A PREMONITION OF DANGER.

The two negroes were familiar with the fact that Simons always carried the money belonging to the firm, and they were seen on Main street as late as 1 a. m. watching for their victim. Saturday night Simons suggested to his partner that something might happen and requested him to take half of the money, seeming to have a premonition that danger was lurking in the near future for him. For the past three years he had been treasurer, and this was the first time the rule was broken. He had $42.50 in a shot bag on the inside of his overcoat pocket, but the footpads failed to get anything, as they were compelled to run away to avoid being recognized and probably captured.

From early morning a large crowd of citizens congregated at the place of the crime and continued to grow larger, and when evening came there was a gathering of about 2,000 citizens, and all eager to see the culprits caught and mobbed. The citizens organized a vigilance league in the morning and raised a large fund for the purpose of apprehending the murderers and ferreting out all kinds of crime. The past week there have been four cases of housebreaking, besides a number of smaller stealing offenses. This work has been carried on extensively for the past two months, and when this additional piece of crookedness was added to the already crowded calendar of crime almost every citizen in the town was willing that some desperate method should be practiced, as life and property were getting to be valued too cheaply by the criminals here.

ONE MORE VICTIM OF BLOODTHIRSTY ROCKPORT MOB.

[Special.]

BOONVILLE, IND., *December 17.*

The negro known as "Whistling Joe" Rolla, an alleged accomplice in the murder of H. F. Simons at Rockport early Sunday morning, met his death at the hands of a mob from Spencer County, which came to Boonville this afternoon for that purpose. The mob numbered about 75 people, was orderly and went about its business with the precision of soldiers under orders.

The Spencer County authorities failed to locate "Crowfoot," who is known as "Whistling Joe," after the mob had made away with Henderson and Rowland Sunday night. It appears that Crowfoot had been secreted in the Veranda Hotel by the manager under a bed occupied by a commercial traveler, and he remained there in mortal dread until early this morning.

After the lynching, as told in to-day's Courier-Journal, the mob went to the hotel where Rolla was employed and made a search of all the vacant rooms and left satisfied that the accused man was not there. Sheriff Anderson got word that Rolla was secreted in the house and arrested him.

PROTECTED BY SHERIFF ANDERSON.

The sheriff immediately threw a guard around the house, and as soon as the fact of the arrest was made known, a great crowd gathered about the hotel. Angry threats were made, but the sheriff told the mob that the man insisted on his innocence and that he had ordered the guards to defend the prisoner with their lives. At this the crowd became more orderly, and a guard of citizens was thrown around the hotel to prevent the escape of the man. Just before noon the sheriff got the negro into a closed carriage and drove in hot haste for Boonville, his intention being to take the negro to Evansville for safe-keeping.

MOB QUICKLY FOLLOWED.

The sheriff had an hour's start of a mob that was quickly gathered and put on horseback to follow him. The mob divided into two parts, taking different roads to Boonville, which is 20 miles away. The sheriff beat the mob to Boonville some hours and placed the negro in jail here. A telephone message from Rockport warned the sheriff that the mob was en route, and he then attempted to get possession of the prisoner in order to make an overland drive to Evansville. Sheriff Anderson was refused admittance to the jail and gave up any further attempt to succor the black man.

WAITED UNTIL NIGHTFALL.

The mob, finding that it had been outwitted and not caring to enter the city in daylight, awaited until nightfall and entered the town on a brisk run on horseback. It made straight for the jail. Entrance was demanded and refused. The jail keys were also demanded and refused, and the same tactics that were carried out at Rockport were resorted to.

JAIL WALL BATTERED DOWN.

A telephone pole was secured and made into a battering-ram, and the walls of the jail were battered down in a few minutes. The jail is a weak affair of ancient construction, and offered slight resistance to the fury of the mob. Once inside, it was but the work of a few minutes to get into his cell.

While the mob was at work on the outside "Whistling Joe's" screams for mercy could be heard above the din. He cried that he was innocent of the crime; that he had been lied upon, and called upon the Almighty to give him strength to combat his pursuers.

PROTESTED INNOCENCE TO THE LAST.

Reaching the cell of the accused man, the door was soon battered in and a rope quickly tied about his neck. The mob then made a rush for the northwest corner of the court-house grounds; a tall tree with a convenient limb was selected, and "Whistling Joe" was given an opportunity to make his peace with God. He spent his time, however, in protesting his innocence, and the mob growing tired of this, the order was given to haul him up.

This was done, the rope being tied to the tree trunk and the body left dangling in the night air. It was announced that the body would be permitted to hang until to-morrow afternoon before it would be cut down.

NO HAND TO STAY THE MOB.

During the time the mob was in the city there was no attempt to thwart its work of revenge. The streets were crowded with men, women, and children, but not a hand was raised to stay the sentence of Judge Lynch. The mob wore no masks, and did its work with promptness as the commands were given. The order was given to "Keep your guns in your pockets,"

which, no doubt, was a matter of precaution, since two innocent bystanders had been wounded at Rockport during the lynching on Sunday night.

Governor Mount ordered out the Evansville militia company this evening to meet the train from Boonville, no doubt hoping the sheriff of Spencer would be able to bring his prisoner to this city. An order for them to return to their armory was received after the company had reached the depot and was about to board a special train to come to Boonville.

Mr. Speaker, I could go on and on, submitting other newspaper reports of lawlessness, but I will not further occupy the time of the House on this point. Only on last Christmas Day, just a few days ago, a most disgraceful race riot occurred in the town of Cementville, the facts of which, I take it, are familiar to you all, as they have been freely published in the press of the country. A few days ago I saw from the press that the bondsmen of the sheriff of Ripley County, Ind., have settled the suit for damages brought by the widow of one of the five men who were lynched in that county some years ago, by paying the sum of $4,000. With this lawless record lying at the door of this State, may I not with perfect justness say to the gentleman from Indiana, "Physician, heal thyself?" But I have said enough along this line.

The gentleman severely criticises Mississippi's franchise law. Before we begin the discussion of this subject let us first surround ourselves with the facts. In 1890 the people of Mississippi did call a convention of her people with the view of revising her fundamental law. Upon the suffrage question that convention did declare in substance that—

every male inhabitant of this State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, 21 years old and upward, who has resided in this State two years and one year in the election district or city, town, or village in which he offers to vote, and who is able to read any section of the constitution of the State, or, if unable to read the same, who is able to understand the same when read to him, or give a reasonable interpretation thereof, and who shall have been duly registered as an elector by an officer of this State under the laws thereof, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, and who has paid all taxes which have been legally required of him, and of which he has had an opportunity to pay according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid such taxes on or before the 1st day of February of the year in which he shall offer to vote, shall be a qualified elector in and for the election district, or city, town, or village of his residence, and shall be entitled to vote at any election held not less than four months after his registration; but any minister of the gospel, in charge of any organized church, shall be entitled to vote after six months residence in the election district, city, town, or village, if otherwise qualified." (Mississippi Code, 1892, section 3631.)

No one has ever seriously contended that our franchise laws violated any provision of the Federal Constitution. They merely attempt to suppress by lawful means those who do not pay taxes and her ignorant and criminal class from exercising the right of suffrage. The supreme court of Mississippi in passing upon these laws held we had a right to do so, and the Supreme Court of the United States held they were not violative of the Constitution of the United States, and that they do not, on their face, discriminate between the white and negro races, and do not amount to a denial of the equal protection of the law secured by the fourteenth amendment to the Constitution. This whole matter is fully discussed in the case of Williams *vs.* Mississippi in the United States Reports, volume 170.

It is well known that the reasons and causes that led to this action on the part of Mississippi was the vast and ignorant negro population with which she was surrounded. I believed then, and I believe now, that it was to the interest, the growth, and the happiness of our State that she should use every constitutional means in her gift to lodge the power of the State government in the hands of the intelligence of the State. It was to the interest of both races. In doing this her laws looking to that end fall with equal weight upon the white and the black man, and if either does not possess the qualifications for a voter as laid down in our law, he can not vote. Thousands of both races fail to qualify themselves as voters.

Strange as it may appear, the clause of our law under which 90 per cent of this class are disfranchised, in my opinion, is that part of the law requiring one before he votes to be duly registered and to have paid all taxes which have been legally required of him for the two preceding years of the year he offers to vote. Remember we have a poll tax of $2, and that tax is a lien only upon taxable property. No criminal proceedings are allowed to enforce the collection of the poll tax. It might be said this section of the law is an invitation, or at least a temptation, to some who own no property, or to some who own no property in excess of that which is exempt from taxation, not to pay their poll tax.

This is the law under which so many of our people are disfranchised. Some do it from choice, some from indifference and neglect, and some from inability to pay. Right here I wish to read an article published in the New Orleans Picayune several weeks ago, from its regular correspondent at Jackson, Miss., showing certain developments upon an investigation of the vote of Hinds County, Miss., the largest and wealthiest county in our State:

A registered voter is not necessarily a qualified elector. A man may register, and default afterwards for poll tax, and his name still remain on the poll book as a registered voter for years. This was shown in Hinds County last year, when the board of supervisors found 1,185 names improperly on the poll books when they were considering a petition for a local-option election. Nine-tenths of these were poll-tax delinquencies, and 90 per cent of them were of white men. In this matter Hinds County was not singular. The Democratic press of the State has shown like conditions in other counties, and today the press of Mississippi is urging the white men of the State to pay their poll tax in order that they may vote.

Mr. Speaker, I might go on and relate to this House the details of our law in reference to our election machinery, but I have not the time. So I will pass on.

The gentleman further criticises the following section of our constitution:

On and after the 1st day of January, 1892, every elector, in addition to the foregoing qualifications, shall be able to read any section of the constitution of this State, or shall be able to understand the same when read to him, or give a reasonable interpretation thereof.

The gentleman says, "The most difficult and technical section of the constitution is made the test." I presume persons in Mississippi have qualified under this section, but I have never known or heard of one doing so. Many may have done so, but my opinion is few, if any, have qualified under it. But be that as it may, I want to say that this much-abused section is not understood by those who criticise it. It is a section to aid illiterates. If a person can read, the section does not apply to him. If he can not read, then he has a chance to qualify under it.

It might occur to some to ask, What would it profit one to qualify under this section? For if he can not read, how could he vote under your ballot system? The answer is that our law has made special provisions for such by providing that a voter who declares to the managers of the election that by reason of inability to read he is unable to mark his ballot, if the same be true, shall, upon request, have the assistance of a manager in the marking thereof.

He further complains that too much power is placed in the hands of the registrar. Under our law if the registrar refuses to register anyone, that party, if he feels himself aggrieved, can appeal to the election commissioners. Should they decide adversely to him, he can appeal to the circuit court.

Again, the gentleman says:

In order to make the dominion of the white man complete, all opportunity for education must be taken from the negro. The policy is to deprive him of the right to vote and then withdraw from him the means of education, so he will have no ambition to contest for supremacy with the white man in any of the fields of usefulness.

Mr. Speaker, standing here speaking for my State, I say, sir, the charge is absolutely without foundation, but, on the contrary, the facts are abundant to show the reverse. The very constitution of our State that he saw fit to assail so freely on the floor of this House on yesterday provides, in substance, that it shall be the duty of the legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement by establishing a uniform system of free schools, by taxation or otherwise, for all children between the ages of 5 and 21 years, and when practicable to establish schools of higher grade.

It further provides, in substance, that a public school shall be maintained in each school district in the county at least four months during each scholastic year. Mr. Speaker, this is the fundamental law of our State. Have we lived up to its provisions? Has the legislature of our State put it into full and complete operation? Yes; it has done so most liberally and upon a most magnificent scale. No State in this Union, in accordance to the wealth of our people, has done more. The last legislature of our State appropriated for public education for the year of 1900 $1,000,000 for common schools and $272,534 for our State colleges (white and black), and a like sum for the year 1901.

This fund is distributed pro rata, regardless of race, to the different counties, and the colored educable children being about 100,000 more than the white, they, of course, receive the largest share of this fund. Is this all we do? Not by any means. In addition to this, nearly every village, town, and city in our State supplements this amount received from the State fund by an amount sufficient to run the public schools in their respective localities from seven to ten months in the year. The negro receives his pro rata share of this also. Under this system every child in our State has an opportunity to attend a public school from four to ten months in the year.

What has she done and what is she doing for higher education in our midst? Let the facts speak. She maintains and owns three as great colleges as exist in the South for the education of the white youth of the land. Nor has she on this line neglected the negro, for she has also one magnificent college for the education of the youth of the negro race. She also contributes liberally to two other institutions run in the interest of higher education of the negro. I am reliably informed that, from the best data obtainable, the proportion of taxes paid by the two races is 93 per cent for the white and 7 per cent for the negro.

In the face of these facts I respectfully submit, does not this record of my State refute the charge that we are unlawfully denying the ballot, or that we are withdrawing the means of education

from any class of our people "on account of race, color, or previous condition of servitude?" It shows that the nonvoter and the poor and helpless receive the protection and blessings of our government as freely as the rich and the strong.

Does it not show, further, that we realize that our public-school system and our great institutions of learning are the chief allies and guardians of good morals and good citizenship, and that they materially aid in purifying the moral atmosphere to flow pure and healthful in and through our great Commonwealth? And does it not further show that we have poured out our money without stint to further the ends of this great school system of ours? I think so.

I think this magnificent record does all this. It does more. It certifies that we are striving to be "a land rejoicing and people blest." Just a few words more, Mr. Speaker, and I will have finished. I am not going to discuss the proposition of the gentleman from Indiana any further. The other features of his proposition, in fact, every feature of it, have been thoroughly discussed by others. I trust it will be promptly voted down. I feel sure it will be.

The twentieth century is upon us. The nineteenth has passed into history. Our future as a nation seems bright. It is glorious, and I hope, with the birth of the new century, all ill feeling between the North and South will be buried. I hope the following utterance of that great and independent paper, the Washington Post, will prove true:

This nation is not going into the new century with a revival of sectional animosity; the second McKinley Administration is not going to be a new era of ill feeling between the North and the South. The South will not be further punished by Congress for the fateful mistake of the fifteenth amendment.

Mr. WHITE. Mr. Speaker, I have sought diligently on both sides of this House to get an opportunity to be heard during general debate on this measure. I believed it was due me, inasmuch as I am the sole representative of one-eighth of the entire population of the United States, and that entire percentage has been so grossly misrepresented and maligned by three gentlemen, representing three separate States, upon this floor.

I am glad to state, however, that those three gentlemen are all young men, and as an extenuating circumstance for their vile words against my people I apply to them the statute of youth. They will know better when they get older. [Laughter and applause.] Some time in the near future, when the committee to which I am assigned has a bill under consideration, I will take occasion to endeavor, perhaps as a valedictory of the negro in this House, to answer some of the charges made by the gentleman from Alabama, the gentleman from South Carolina, and my colleague from North Carolina.

They have spoken of my people as a thing to be managed. They have said to the North and the East and the West, "Let alone the negroes; we can manage them." Can they manage us like oxen? I want them to understand that, removed as we are thirty-five years from slavery, we are to-day as you are, men, and claim the right of the American citizen and the right to vote. [Applause.] I will not refer to the matter under consideration now. It is not my purpose to do so at this time.

I did think, and I thought it rather strange, that the gentlemen managing the two sides of this question, the majority and the minority, after my people had been so slandered, might have accorded me an opportunity to defend them, as only two or three gentlemen have taken the opportunity to do. God bless them. God bless Judge CRUMPACKER, who has taken occasion to stand up in his place as a man, and has said a word in defense of these people who have made it possible for some of these young gentlemen to be filling seats here, and who since their emancipation have served their country faithfully by allying themselves with those principles that tend to the upbuilding of this the greatest nation on God's green earth. [Applause.]

Mr. SIMS. Mr. Speaker, I desired to have something to say about this bill in the time allowed for general debate, but I was unable to get the opportunity to do so. I sought time from the gentleman whose bill I intended to vote for, the chairman of the committee [Mr. HOPKINS], and asked him for the beggarly amount of ten minutes, and he promised it, if he could. I wanted to give the House the reason I was going to vote for his bill, which does not altogether suit me. I asked for time to-day, cutting it down to five minutes, and he again promised me that he would give it to me if he could. He did not do it yesterday and he did not do it to-day, and I must conclude, therefore, that he could not do it.

Now, if there is anything on earth I despise and hate it is a machinized House of Representatives. The argument that has been made here that the House had become unwieldy was one made in support of the majority bill. They did not want to make if further unwieldy. I think that is true if the present régime is to be perpetuated, if this House is to continue machinized. I quote with approval what the distinguished gentleman from Iowa [Mr. HEPBURN] said in his speech yesterday as to the rules of this House:

Mr. Speaker, I think that the whole question involved here is one of expediency. What is the better size? What number of Representatives can best perform the duties that devolve upon them in a deliberative body? Not this body, for I am willing to confess here that it presents none of the features of a deliberative body [laughter], but that deliberative body that we ought to have. The fathers gave us their opinion with regard to this matter. When they provided for 26 Senators they provided for 65 Representatives. That was their idea. They thought that the political power of a member of the Senate should be two and a half times greater than the political power of a Representative.

* * * * * * *

Gentlemen tell us now, who are advocates for enlarging this House, on other occasions that the fact of an enlarged House justifies a system of government in the House that is destructive to the individuality of members, and absolutely destructive of the representative power that the Constitution gives us and that our people fondly think we enjoy.

When you attack the system of rules that we have, that is vicious in every degree, that is harmful to the individual character of the member, that is harmful to the deliberative character of this body, that absolutely destroys it, and puts it beyond the power of any individual to participate in legislation or to bring to the consideration of this House any measure, no matter how important it may be to him or his people, without he gets the consent of another person, another Representative—when you attack that vicious system, you are told that it is because the House is a mob, because it has been so enlarged that individual responsibility does not weigh upon the members; because there is no possibility in the confusion of the vast number to secure that deliberation that is necessary to the proper discharge of public business. On those occasions the House is too large. I believe it is wiser, I believe it would be better for the people, and it would be better for the individual membership, to decrease, rather than increase, the number of Representatives.

Mr. Speaker, I want this House to have the largest number of persons that it can to discharge the business that it has to transact; but I do not want its number to be so augmented as will furnish an argument for the binding of the hands of the individual members of the House. And I know, and every one of you know, that it will be urged, and that it will have its effect upon certain members who have to vote upon a question of the rules before they have had an opportunity to chafe under the restraints and tyrannies of those rules.

And I know that when the placid gentleman now occupying the chair, the leader upon this side, my venerable friend on my right, and a corresponding number of gentlemen occupying corresponding positions on that side of the House, in the early days of the session, when the neophyte is here and has not been hazed [laughter], he sees them standing up as advocates of a retention of the rules without change, he naturally says to himself, "This must be all right, or such leaders, who have the confidence of the American people, would not be their advocates," forgetting, or never knowing in his innocence, that these gentlemen belong to the charmed circle [laughter]; that these gentlemen, because of their great eminence, because of their marked and recognized superiority, have a power in this House that is above rule, or that compels the amelioration of the rule in their behalf whenever they propose to invoke it.

Mr. Speaker, I heard a gentleman in this debate, in support of this enlarged number, say that this House could do whatever it chose. I want to deny that statement. I make the assertion here that there is no proposition that affects the people of my State or of any one of the States that an individual member can secure even consideration of without he first addresses himself to another Representative and gets the consent of that Representative. [Applause.] I remember of hearing my friend on my right once say that under the rules of this House the House could do whatever it chose. I would yield to him a moment for the purpose of asking him if, after reflection, he would contradict the statement that I have here so deliberately made?

Mr. GROSVENOR. After the very high compliment that the gentleman from Iowa has seen fit to bestow on me I would not contradict anything that he would say. [Laughter.]

Mr. HEPBURN. Thank you. I now appreciate the value of compliments, and I shall henceforth use them in the place of arguments. [Laughter.] Mr. Speaker, the statement that I have made is a grave one. It ought not to be made without deliberation. I ought not to say to the American people that the whole scheme and plan of the Constitution with regard to this House of Representatives is subverted, destroyed, annihilated by the rules of this House without it was true.

And I will ask any gentleman, and I will yield to him if he will undertake to tell us, how any proposition can be brought before this House without it receives the assent of the Speaker of the House. And even then, with reference to a great majority of propositions, how can it be brought to the House after it once has gone into the bosom of a committee and that committee does not see fit to report it?

Every member upon this floor, 356 of us, may be anxious for the adoption of a proposition, and it can not be brought to the consideration of the House by any possible means known to the law without the consent of that gentleman into whose hands you and I have surrendered the political power of our constituents.

Now, Mr. Speaker, what is the excuse for this? Mind you, I am not criticising the old Speakers or the new. I have no complaint to make of the manner in which they administer their power. I am quarreling with ourselves, and we will be asked to continue this robbery of ourselves, this wrong to our constituents, this surrender of their political power—for it is theirs, gentlemen, and not yours or mine—we will be asked to continue this. Why? Because the House is so large, because it is so unwieldly, because the confusion is so great, that business can not be transacted without it. Therefore from time to time the surrender is made.

I want that we shall act on this bill so that we will not give added force to declarations that are made in that behalf in the near future. I think that even with the number that we have there is confusion. My friend called attention to it to-day when the important matter was being settled as to when we should reach a vote upon this question. Time and again the gentleman from Tennessee [Mr. RICHARDSON] was compelled to rise in his place and insist that although important business was being transacted publicly here upon the floor he could not hear a word that was said. He could not tell whether to object or not, and the efforts which the Speaker vigorously exerted time and again were necessary in order to get that slight measure of order that would permit even the gentleman, seated where he is, to hear what was going on in the House.

I hope gentlemen who object to this tyranny when the time comes will vote against these rules. Now, I want to know why we should be limited in discussion to three or four days on a bill that only comes before us once every ten years, and when it gets to

the other end of this Capitol if they want to discuss it three weeks they do it. Gentlemen, why should not we have the same opportunity to discuss a measure which is being enacted into law as they have? The President can not sign the bill until they pass upon it.

If the gentlemen who support the Burleigh bill will convince me that they will quit lying down and voting for these tyrannous rules and give each member on the floor an opportunity to say why he votes as he does, I will vote for that measure. But if an enlarged House is going to serve as an excuse for the continuation of these rules I shall vote against enlarging the House.

I have no objection to a reasonable limitation of debate, but I most assuredly object to unjust discrimination as to who shall participate in that debate. What right has the gentleman from Illinois to say that I shall not give to the House the reasons for the faith that is in me, and that my constituents must depend upon his argument for the reasons of my vote? What right had the gentleman to get up from his seat and ask that the gentleman from Maine [Mr. LITTLEFIELD] be allowed to proceed to the conclusion of his remarks, when the gentleman from Maine was doing everything he could to annihilate the bill of the gentleman from Illinois?

That was magnanimous; I approve of the spirit that led him to do it, but why did not he ask sufficient time for general debate in the House for each member to have the paltry amount of five or ten minutes to express himself? Why, we had better sit here all summer, prolong the length of the session if necessary, in order to give sufficient time for debate and discussion. We had better have it all summer, all the fall, and all winter than to stifle the voice of the representatives of the people on the floor as is done at the present time. I will vote to reduce the membership of the House to 250 if necessary in order to get out from under our present tyranny. [Applause.]

I am ready to admit that if each member of this House should speak on a measure that the same length of time could not be accorded to each member that can be to each Senator. But why should ten hours of debate be accorded to a bill in the Senate, where there are only 90 members, and only two hours be given for debate on the same measure in this House, where there are 357 members? I have not stated an extreme case. In the extra session in 1897 the House was limited to ten days for debate on the Dingley tariff bill, and the Senate debated the same measure for nearly four months.

We hear a great deal said in here about the dispatch of business and a great array of the number of bills introduced in the House and in the Senate by the gentleman from Pennsylvania [Mr. DALZELL], showing that a great many more bills had been introduced in the House in a given time than in the Senate, as though the House and Senate were in a race to see which body could introduce and pass the greater number of bills, and that the House had far exceeded the Senate, due to the rules of the House in expediting the public business, when everybody knows that the Senate must consider and pass all the bills of the House before they become laws.

Mr. Speaker, what good is it to the country to pass a thousand bills in the House during a session when we know the Senate will not consider and pass half that number? The boast of the dispatch of business is rather in appearance than in fact. There is absolutely no sense in the House passing a greater number of bills than the Senate will consider and pass in the same length of time.

This cry for the dispatch of business is used to cover up the real purpose of these infernal rules. The real purpose of these rules is to machinize this House; to create a one-man power; to magnify the machine and minimize the member.

If measures were more thoroughly discussed here, it would not require so much time for discussion in the Senate. By acting as we do we dwarf the influence and power of the individual members of this House and correspondingly increase and magnify the power of the individual Senator.

Members of this House have become disgusted and do not try to get time by begging for it from another member, who by the laws and Constitution has no higher or greater rights than himself. Modesty and merit usually go together, and many members who are very able and learned and who could shed much light upon subjects under discussion are too modest to push themselves onto another member who has control of the time.

Those who belong to the charmed inner circle get all the time they wish, and when one of these great members of the inner circle has had his full hour and has not finished his speech another member of the charmed inner circle jumps to his feet and asks unanimous consent that the gentleman be permitted to conclude his remarks. Of course the inner circle will not object, and it would be suicidal for any member on the outside to object. Immediately the great member thanks the House for the courtesy and continues his speech as long as it suits his sweet will to do so.

The new member or modest member, be his merits what they may, must sit here and chafe under this character of outrage for years. But one of these great lights often, to show his magnanimity and his consideration for those members who by his selfishness have been deprived of an opportunity to say one word, arises and asks that unanimous consent be given to all members to print remarks in the RECORD on the pending bill, provided he does so in a limited time.

If a member is in possession of information common to all the members of the House, but not generally possessed by his constituents, I see no impropriety in his printing the same in the RECORD and sending it to his constituents, but if he has information, or can make an argument that might affect the judgment of members of this House, he ought to have time given him to address the members of the House, and not be forced to print a stillborn speech in the RECORD and send it home to fool his constituents.

I want to strongly commend to all the great members of this House the conduct of the gentleman from Pennsylvania [Mr. DALZELL] here to day. The gentleman from Pennsylvania was not a member of the Committee on Census, but being a member of the inner circle and a gentleman of great ability and learning, as well as long service, the chairman gave him one hour. After a very able speech of an hour, some gentleman arose in his seat and asked that further time be given Mr. DALZELL, and the House granted the request, but the gentleman from Pennsylvania refused to take it, out of consideration to other gentlemen who had not had any time, who felt as much interest in this bill as did the distinguished gentleman from Pennsylvania.

Such commendable conduct is not often witnessed in this House, and I assure you, Mr. Speaker, that it was very refreshing. More than three hours was given certain gentlemen to advocate what is called the Crumpacker bill, designed to reduce the representation of certain Southern States on account of the alleged suppression of the negro vote. Living as I do in that section of our country and having that knowledge that comes by actual residence among the negroes of the South, I wished to give it to gentlemen from the North who do not have the same opportunity that I have for informing themselves on this grave and threatening question, but I must be denied, at least I was denied, the privilege of doing so.

Mr. Speaker, what good will it do these members from the North to print this information and send it home to my constituents, who know as much about it as I do? Will that enable them to vote intelligently on the Crumpacker bill?

I can see many good reasons why the popular branch of Congress should be a numerous body and grow with the growth of population, but if an increased House is to be used to further gag and muzzle the members of this House, I must content myself with voting against the enlargement of this House, if I am denied the privilege of giving my reasons for it more fully than I have herein.

Mr. MOODY of Massachusetts. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Maine [Mr. BURLEIGH]. When I heard the speech of the gentleman from Illinois on Friday last, and his analysis of the so-called Burleigh bill, it disclosed so many inequalities in its operation that it seemed to me to be impossible for any fair-minded man to vote for it.

When I read the speech of the gentleman from Maine [Mr. LITTLEFIELD] delivered on the following day, I found that, applying the same course of argument, he had disclosed the same inequalities under the operation of the bill proposed by the majority. I discovered upon a very little reflection what is admitted now on all sides, that, by applying the method of reasoning adopted by the gentleman from Illinois and the gentleman from Maine, any possible apportionment bill would disclose the same inequalities and that the doing of exact justice between all the States is impossible from the very nature of the case itself. And so I agree with the gentleman from Pennsylvania [Mr. DALZELL], who, with his accustomed logical instinct, has brought this debate to its real question and presented to us the real problem which is before us for solution.

The increase of the population of this country has compelled us to do one of two things—either to increase the size of the constituency or to increase the number of Representatives; and that choice is presented to us here to-day. Each course presents its own evils. The evils of adding 42,000 to each Congressional district, as is proposed by the bill of the majority, are manifold and manifest. Every man understands that from his daily experience; it is not necessary for me to dwell upon it. On the other hand, it is claimed that the increased size of the House tends to destroy the individuality of the Representative, his power of initiative, and to centralize the power of the House in the hands of the Speaker; that it tends to decrease the relative power of the House compared with the power of the Senate; that it destroys this Chamber as a forum for debate and deliberation.

I should like, if I had time, to spend a few moments on those claims. But what I have to say at this moment—and perhaps it

is all that I can say—is that every one of those consequences predicted as the result of the passage of the Burleigh bill is here to-day. Those conditions will not be created by the passage of that bill. In my judgment they will not even be intensified by it. The power of the House under a natural development which brought the system of cabinet government in England into existence has taken the power of the Representatives and concentrated it in the hands of the Speaker and his immediate advisers. We might as well recognize the truth.

Mr. HOPKINS. Will the gentleman allow me——

Mr. MOODY of Massachusetts. I have only five minutes, but I will yield for a question.

Mr. HOPKINS. The gentleman speaks of the concentration of power in England in the hands of a cabinet. Does he desire to see that condition of affairs in America?

Mr. MOODY of Massachusetts. I am not speaking of the desirability of the thing; I am speaking of the facts, which we understand and know.

The gentleman from Pennsylvania gave us some figures with regard to the amount of business which the House of Representatives of the Fifty-fourth Congress and the Fifty-fifth Congress did in comparison with the body on the other side of the Capitol. I remember the Fifty-fourth Congress. I remember that when the Speaker of that Congress was selected in caucus, he stood by the side of that desk and said to us, "The Fifty-first Congress gained credit for what it did; the Fifty-fourth Congress will gain credit for what it does not do." And the first step in carrying out that programme was to debate for ten days an amendment offered to the pension appropriation bill, which was subject to a point of order and at the end of those ten days went out on the point of order, as everyone understood it would.

I remember that during the extra session of the Fifty-fifth Congress we adjourned for three days at a time, week after week. We had the time, we had the opportunity, to do the business of the country; but I say that the Speaker and his advisers decided wisely and well, and in accordance with the judgment of the majority, when they declined to pass all the bills which came over here from the other end of the Capitol.

I say, then, that the evils which are present here, and which will not be intensified by the Burleigh bill, are evils that do not grow out of the numbers of this House. Say what you will, the House of Commons, with its membership of 670, has demonstrated that numbers do not prohibit an orderly conduct of public business. Who cares for a speech made in the House of Lords? A speech made in the House of Commons goes the world over. What is forbidding the orderly conduct of business on this floor? What is denying the right of each member to be effectively heard on this floor? What is preventing the deliberation——

The SPEAKER. The time of the gentleman from Massachusetts [Mr. MOODY] has expired.

Mr. MOODY of Massachusetts. May I have five minutes more?

Mr. HOPKINS. I ask unanimous consent that the gentleman from Massachusetts be allowed five minutes more.

There was no objection.

Mr. HOPKINS. Now, will the gentleman answer a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. HOPKINS. There are no roll calls in the British House of Commons such as we have here, are there?

Mr. MOODY of Massachusetts. I do not understand that there are. There are divisions.

Mr. HOPKINS. Now, is it not a fact that a large part of the time is taken up here by roll calls whenever there is any question that divides the members, either politically or sectionally?

Mr. MOODY of Massachusetts. Yes, sir.

Mr. HOPKINS. And is not that one of the conditions that operate against the British House of Commons being a precedent for us?

Mr. MOODY of Massachusetts. Yes.

Mr. HOPKINS. One other question. Is it not a fact that in the British House of Commons 40 members constitute a quorum for the transaction of public business——

Mr. MOODY of Massachusetts. Yes.

Mr. HOPKINS. And 20 for private business?

Mr. MOODY of Massachusetts. That I am not so sure about. If the gentleman so states, no doubt he is right.

Mr. HOPKINS. And here, under our constitutional form of government, is it not a fact that there must be a majority of the members-elect present on every roll call for the transaction of business, if so demanded, whether it be public or private business?

Mr. MOODY of Massachusetts. That, Mr. Speaker, is the statement of an unquestionable fact; but in spite of all those things every man here knows I tell the truth when I say that there is no session of Congress when we do not waste time day after day.

Mr. GROSVENOR. I should like to ask the gentleman a question.

Mr. MOODY of Massachusetts. Certainly.

Mr. GROSVENOR. The gentleman from Massachusetts has spoken of the importance of speeches made in the House of Commons.

Mr. MOODY of Massachusetts. Yes.

Mr. GROSVENOR. In the gentleman's judgment, how many members of the House of Commons in England speak upon the public questions of the day during an entire session of that body?

Mr. MOODY of Massachusetts. I suppose comparatively few members, Mr. Speaker.

Mr. GROSVENOR. Does not the gentleman think that twenty or twenty-five would limit the number of almost all the participants in debate in that body?

Mr. MOODY of Massachusetts. I can say that that statement would be true, both of the English House of Commons and the American House of Representatives. I believe that there are not more than 25 members who take an effective part in the debate here to-day under present conditions. I am not speaking of mere speeches, but of the debate which influences the judgment and action of the House.

Mr. MADDOX. Will the gentleman from Massachusetts allow a question?

Mr. HOPKINS. Will the gentleman from Massachusetts yield for a question?

Mr. MOODY of Massachusetts. I will yield in a moment or two. Mr. Speaker, I was saying that all these evils—the denial of the right of individual action, the disorder which occurs in the House, the facts which make this a forum ill adapted to debate and deliberation—all come from other causes, and not because of members.

We can apply the remedy any day we choose. Let us close up, or at least contract, these pestilence-breeding galleries that exhaust the atmosphere and send us home every day the nearer to our death because we have worked in the Chamber. Let us contract the size of this Hall. Let us take out these desks. Why, Mr. Speaker, there are never at any one time more than 50 or 100 members interested in the discussion of a given question.

Mr. WM. ALDEN SMITH. There are more than 200 now.

Mr. MOODY of Massachusetts. There are men in the English House of Commons, in the lobbies, ready to come in to vote, but very few present, I agree, in the ordinary deliberations, and that would be the fact here. If we adopt the remedy which I have proposed, and which has been discussed so many times, these evils would disappear.

Mr. STEWART of New Jersey. Will the gentleman yield for a question?

Mr. MOODY of Massachusetts. In a single moment. If we do that, I say, these evils will disappear, and one of the reasons why I support the Burleigh bill, and support it earnestly, is because I believe its adoption will bring us nearer to the day of our deliverance. Now I yield, first to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. I want to ask if in your comparison of the British Parliament to the Congress of the United States you have stopped to consider the fact that we have 45 State legislatures and 3 Territorial legislatures that are doing nine-tenths of the legislative business for the United States?

Mr. MOODY of Massachusetts. Yes, I have considered that fact. I did not refer to it. Of course, otherwise we could not do the business of the country.

Mr. HOPKINS. The question I was going to propound to my friend is this: Is it not a fact that in the English House of Commons all legislation is proposed by the Government?

Mr. MOODY of Massachusetts. It is. But, Mr. Speaker, it is equally a fact—and let us face things as we find them—it is equally a fact that our important legislation is proposed by the committees that guide this House. I do not find any fault with it. I believe it is the right system. I believe it is the only system. I believe it is as much evolved out of our conditions as cabinet government has been evolved out of the conditions in England.

[Here the hammer fell.]

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I regret exceedingly to differ with my colleague from Massachusetts upon this important question. An important matter of this kind, it seems to me, should be free from partisanship or selfish interest, and I can not see any valid reason why the majority bill should not be accepted by the House.

Under the provisions of this bill, Indiana, Kansas, Kentucky, Maine, Nebraska, Ohio, South Carolina, and Virginia lose a Representative, while Illinois, Louisiana, Minnesota, New Jersey, and New York gain 1 and Texas 2 Representatives.

If any member of this House can show any political advantage to either party in this arrangement, I would like to see it pointed out. The apportionment is based upon the census figures of the present year, and makes the present membership of the House as the basis upon which the figuring is done.

The result shows that some States have increased their population more than others, and therefore get better results. This is to

be expected, and if certain sections of this country do not keep up with the pace the country is setting they must expect to fall behind, not only in the matter of representation in this House, but in all worldly affairs.

I regret to see the spirit in which this great question is approached by many members of this body. I have been solicited by a great many members to vote for the Burleigh bill, not because it was a good bill for the country at large, but because it favored their particular State or locality. It is a species of log-rolling that I regret to see taking place in this body. I think the House of Representatives of the United States ought to approach this great question with an eye to the general welfare of the country rather than with a view to favor any particular section of the country.

We ought to be above the small and narrow policies that govern legislative bodies where selfish interests prevail, and consider this proposition in a broad, intelligent, and honest public spirit. If this course is pursued, I think the wisdom and good sense of the House will defeat the proposition to increase the membership of the House 29 members, as provided in the Burleigh bill.

I listened with a great deal of interest to my colleague's attack upon the Rules of the House. He cited all manner of abuses, and I agree with him in every detail. Does he think, however, that these abuses can be remedied by increasing the membership of this body? Will not the 29 new members which are added, if the proposition which he advocates goes through, make it harder to obtain the ear of the House than it is at the present time?

Every member of this House knows that under the present rules and practice of this body debate upon many measures is farcical. I have known questions of the greatest importance to the people of this country to be shut off with one hour's debate in this Chamber. No matter how important the matter may be that is up for discussion, it is very seldom that more than two days is given for its consideration. How can 357 men discuss intelligently a proposition that remains before them but ten hours? I have witnessed time and time again since I have been a member of this body men pleading and urging for two, three, and five minutes' time to discuss a matter of interest to their constituency and this country. The majority are too arbitrary. More time could be given to public discussion of great matters if the spirit of fair play animated the other side of the House.

If my colleague complains of the abuses that exist, why not remedy them in a proper manner. He is a member of the majority. He voted for the rules that make possible these abuses. Why not display the old spirit that dominated the men from Massachusetts in the days gone by and force your party to give fair play and honorable treatment to the people's Representatives in this great branch of the public service. [Applause on the Democratic side.] The remedy lies in the radical revision of the rules of this House and not in an increased membership.

An addition of 29 members to this body means added confusion and an increased expense to the Government of $200,000, at least. It means the additional trouble of providing committee places for these men, in face of the fact that as Mr. Dalzell of Pennsylvania said this morning, 15 committees had been organized, not for the purpose of doing business, because they never met, but in order to furnish a proper share of committee appointments for each member of the House.

Under the Burleigh bill, Maine gets 4 Representatives for her population of 694,466, an average of 173,616 for each Representative. Massachusetts, with a population of 2,805,346, gets but 14 Representatives under the Burleigh bill when she is entitled to, using 173,616 as a basis of population for each Representative, 16 Representatives. How can my colleagues from Massachusetts vote for a proposition so manifestly unfair to that State? Why are not 173,616 people in Massachusetts entitled to a Representative in the House as well as a similar number in the State of Maine? Under the Burleigh bill Massachusetts has a fraction of 100,896, more than one-half of the number entitling her to an additional Representative. Major fractions do not seem to count in her case, however. The same is true of Iowa, Michigan, New York, Ohio, and Pennsylvania, all of which have these fractions and none of which receive any consideration on that account in the Burleigh bill. This bill, to be just and fair to all the States, should include another Representative for each of these States.

I call these matters to the attention of the House because those advocating the enactment of the Burleigh bill have stated that one of the reasons for the enlargement of the House was to take care of the States with the majority fractions, which receive no consideration in the Hopkins bill.

I understand that the great Republican bosses of the country have taken a hand in this matter and have given orders that the Burleigh bill must pass. Senators HANNA, PLATT, Quay, LODGE, and FAIRBANKS, I understand, have instructed the members from their respective States to vote for the Burleigh bill, and it will be interesting to watch the vote on that account.

Members of the present Congress, as well as those of the former Congresses, since clerks have been authorized for the members of the House, do not do near the personal work that has been done by members of Congress in former days. During the past four Congresses, I believe, an appropriation of $100 per month has been made from the public Treasury for a clerk for each member of the House. This takes a tremendous load and responsibility from every member, and it must be admitted by every member of this body that most of the work done at the Departments, and practically all the correspondence formerly attended to by the members of Congress themselves, is now performed by these clerks.

For this reason it seems to me that members of Congress are better able to attend to the interests of 200,000 persons now than they were years ago, when the average constituency consisted of about half that number. Some members here have advanced the argument that the public business is increasing to such an extent that more members are required to look after it. How do the men who advance this argument harmonize it with the fact that 2 Senators look out for practically the same amount of public business as 10, 20, and in some cases 30 members of Congress? The same matters are considered in both branches.

I think, Mr. Speaker, on the whole, that the House of Representatives has as large a membership at the present time as is consistent with the prompt and orderly dispatch of the public business. I think the people of the United States ought not to be compelled to submit to the additional tax levied upon them by this increase in membership just to further the political ambition of a few men. The time has come, it seems to me, when the members of this Congress should look upon the question from a broad, public-spirited standpoint, and if this is done the House will indorse the bill which has been submitted by the majority of the committee.

Before taking my seat I wish to refer to another matter that has been discussed upon this floor in connection with the apportionment bill. The question of the disfranchisement of the negro vote in certain of the Southern States has given rise to some heated discussions upon this subject. I do not intend to discuss the question at this time, other than to say that I am absolutely opposed to any discrimination on account of race, color, or religion, and also to add that the gentlemen who have stated upon the floor of this House that the Massachusetts statute relating to the qualifications of voters had been copied and was analogous to the statutes in the Southern States where the negroes were disfranchised is not true. I will quote the language of the Massachusetts statute on this question:

> Every male citizen 21 years of age or upward, not being a pauper or person under guardianship, who is able to read the constitution of the Commonwealth in the English language and to write his name, and who has resided within the Commonwealth one year and within the city or town in which he claims the right to vote six calendar months next preceding a State, city, or town election, may have his name entered upon the list of voters in such city or town and shall have the right to vote therein at any such election.

The rest of the section is merely explanatory, and as I have only a moment's time I will not occupy it by quoting further in the section. I might add that a further provision of this section makes an exception of persons who are prevented from reading and writing by physical disability or who had the right to vote on the 1st day of May in the year 1857.

During the debate upon this question in the past two days I have seen the statement quoted repeatedly as coming from members of this House that the statutes of the Southern States followed the lines of the Massachusetts statute, and I take this opportunity of informing the House that the election laws of Massachusetts apply to all classes of citizens alike, and make no distinction between black and white or in favor of or against those of any race or religious belief. Every man, except paupers and insane persons, in Massachusetts is placed upon an equality in this matter and can only enjoy suffrage when he complies with the general law.

In the South, as I understand the law, men who are not able to read and write, but whose father or grandfather voted in 1867, and in some States ancestors more remote than these, are allowed to vote. This is a clear distinction made against the negro, because every intelligent person in the United States knows that no negroes in the South were eligible to vote in 1867.

I am proud to say upon the floor of this House that the laws of Massachusetts in this respect are fair and just to all the inhabitants of the Commonwealth; that the black man is entitled and receives the same consideration that the white man does, and that the people of that State would not tolerate for one moment any law upon the statute books which would make any distinction against the men of any race or extend favors to any particular class of people.

Mr. Speaker, I ask unanimous consent that I may proceed with my remarks.

The SPEAKER. Is there objection? The Chair hears none, and the gentleman from Massachusetts is recognized.

Mr. KLUTTZ. Are not those paupers excepted who have served in the Army in the Massachusetts law?

Mr. FITZGERALD of Massachusetts. Any person who has served in the Army or Navy and becomes a pauper is excepted.

Mr. KLUTTZ. Then all are not entitled to vote?

Mr. FITZGERALD of Massachusetts. Paupers and the insane are not entitled to vote.

Mr. KLUTTZ. I say if they have served in the Army.

Mr. FITZGERALD of Massachusetts. Paupers, if they have served in the Army or Navy, are entitled to vote, as I understand the law.

Mr. KLUTTZ. Why did you not read it all?

Mr. FITZGERALD of Massachusetts. I read as far as I could. I did not have time to read further. That is why I am arguing against increasing the size of the House. We should have more time in order to explain things. If we increase the House 29 members now, ten years from now as many more will be added. Now, we can not lengthen the session so as to sit here all year. The members of Congress will not stay in Washington in the summer time; and ten years from now, when the House consists of 415 members, what is now bedlam will be chaos and bedlam combined.

In conclusion let me say, Mr. Speaker, that I have never sympathized with the great hue and cry that is raised in a great many sections of the country against the black man. He has a soul, a heart, and a conscience. I have observed them under many conditions in my native State, as well as here in Washington, and taking them all in all I have found them a faithful and deserving people.

They stand ready to fight our battles. They are willing and anxious to deserve the good opinion of the white people of this country.

We are all proud of the record of the black regiments in the Spanish-American war, and if the white soldier boys whose lives were saved on San Juan Hill and at El Caney by the heroic and dare devil work of the black-skinned men who, with gleaming eyeballs and shining teeth, rushed to the assistance of the Rough Riders were here to speak I think they would protest with mighty vigor against the disfranchisement of a race that produced such brave and noble souls. [Loud applause.]

Mr. WM. ALDEN SMITH. Mr. Speaker, I desire to offer an amendment to the substitute offered by the gentleman from Maine.

The Clerk read as follows:

Amend the amendment offered by Mr. BURLEIGH as follows:
In lines 2 and 3 strike out "86" and insert "95;" also, after "Alabama" strike out "9" and insert "10;" after "Georgia" strike out "11" and insert "12;" after "Iowa" strike out "11" and insert "12;" after "Massachusetts" strike out "14" and insert "15;" after "Michigan" strike out "12" and insert "13;" after "New York" strike out "37" and insert "38;" after "Ohio" strike out "21" and insert "22;" after "Pennsylvania" strike out "32" and insert "33;" after "Tennessee" strike out "10" and insert "11."

Mr. WM. ALDEN SMITH. Mr. Speaker, the plan proposed by me and offered as an amendment to the amendment proposed by the gentleman from Maine [Mr. BURLEIGH] fixes the membership of the House at 395, thus increasing the membership 38. This additional number gives to the States additional representation in proportion to their growth and population. Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Iowa, Louisiana, Michigan, Mississippi, Missouri, North Carolina, North Dakota, Ohio, Tennessee, Washington, West Virginia, Wisconsin, each gaining 1 Representative, while Massachusetts, Minnesota, and New Jersey each gain 2 Representatives. Illinois, Pennsylvania, and Texas each gain 3 Representatives, and New York makes a gain of 4 Representatives. This is fair and just to all sections of our country.

It is not based upon party advantage, but gives the States named the advantage to which they are fairly and justly entitled. In fact, Mr. Speaker, this is the only equitable apportionment that I can suggest within reason; while the report of the minority is conceived in selfishness, based upon expediency, and will be sustained, if at all, by the votes of members actuated by personal friendship for the sitting members, who would be more or less affected by the adoption of the majority report and reduced representation.

Mr. Speaker, we are performing a solemn constitutional function to-day, and I am firmly of the opinion that it ought to be along such lines as are fair and just to all sections of the country. We boast of our vast increase of population, and of the numerical strength of our country. Why not let the measure of representation in this great popular assembly, where the rights of the people are safeguarded, go hand in hand with the growth and accumulating strength of the nation? In my judgment it was not contemplated by the fathers of the Republic that one Representative should do the work at this Capitol of a constituency composed in many cases of 250,000 people.

In fact, I do not believe that it is either proper or right to thus limit the people, who can only be heard in a representative capacity. Some of the districts in the State of Michigan are empires in resources, territory, and population. It is impossible for a member of Congress representing a large district to keep in touch with his people, to study their needs, and to perform the service required of him daily in a satisfactory manner. This is not representative government. This is not the plan originally intended.

Mr. WHEELER. I would like to interrupt the gentleman if he will permit me.

Mr. WM. ALDEN SMITH. I must decline to yield, as I have only five minutes. I would make the representation in this body as close to the people and as direct as possible. There is no good argument that can be advanced against increasing the membership of this House. I do not see a single difficulty attending a fair increase of membership. That does not exist to-day. When I first came here I thought that the rules were oppressive. I did not believe that they were necessary.

After six years of service I do no know how the business of the country can be transacted unless each member is willing to yield some of his rights as a member in the interests of the nation, and give right of way to the more important measures affecting the nation as a whole, and I have not a criticism to make upon the present administration of the rules, although I feel at times that they are not quite as elastic as the conditions of the situation demand.

But, sir, I do not feel that we have met the present emergency broadly and fairly if we do not recognize those sections of our country whose growth and importance fairly entitle them to increased representation. The State of Michigan, which I have the honor to represent in part, has increased during the last decade from 1,602,474 to 2,420,000 under the census just completed, an increase of 817,526. This, Mr. Speaker, is a tribute to our strength and attractiveness as a State. This record fairly entitles the State of Michigan to increased representation in this body and in the electoral college when the destiny of our country is so often at stake. Before Maine is entitled to 4 Representatives upon this floor, Michigan is entitled to 13 members upon this floor, even upon the basis proposed by the minority report, and upon the united request of the delegation from the State of Michigan I protest against this inequality and injustice, and urge the House to go one step further, fixing the membership at 395—the only just and fair increase that can properly be made.

The country will approve a just solution of this question, and they will stamp with their condemnation any course, born of mere expediency, which deals out Congressional representation according favor.

Mr. HOPKINS. Before the gentleman takes his seat, I desire to know if this amendment is on the same ratio and on the same proportion as the Burleigh bill, and provides that no State shall lose its Representative?

Mr. WM. ALDEN SMITH. My amendment provides for all the States, and that no State shall lose any of its Representatives; and gives additional representation to those States that have grown in population and strength which entitles them to favor under the last census.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I rise for the purpose of reenforcing, as far as I may in a few minutes, the manifest justice of the amendment now before the House, offered by the gentleman from North Dakota, an amendment for the purpose of giving an additional Representative to the State of Florida, one to the State of North Dakota, and one to the State of Colorado. I think, Mr. Speaker, it comes with bad grace from the gentleman from South Carolina, who is one of the signers of the minority report now before the House, to oppose the amendment offered by the gentleman from North Dakota, because I find this written in the minority report, signed by that gentleman, together with his colleagues:

The anomalous character of this proposed apportionment, as well as its obvious injustice, is clearly demonstrated by the fact that it is necessarily based, in part, upon majority fractions, and yet Colorado with a majority fraction of 121,367, Florida with a majority fraction of 110,807, and North Dakota with a majority fraction of 105,586 do not receive a Representative based upon such majority fraction, while every other State with a majority fraction receives a Representative for such majority fraction.

Now, Mr. Speaker, I do not know what bill will pass the House; but if the Hopkins bill does become law, then it would be a law of manifest injustice, unless these three States each had a Representative to represent its majority fraction, because all the other States with a majority fraction have each a Representative.

Mr. Speaker, the confusion of ideas manifested in the discussion grows out of the fact that gentlemen take the present membership of the House as the permanent or ultimate divisor. It is not right. The present membership, 357, ought to be taken as a trial divisor, for the purpose of arriving at the true divisor, and the true divisor is the number of people which it takes to make a Representative upon the floor.

Now, when you divide the true divisor into the population of each State—and of course it is the people of each State which is represented and not the people of the United States at large—then you get an answer, and that answer is the number of Representatives to which that State is entitled. But there is always

left over a fraction, and you must approximate the true representation by representing the fraction or not representing it. It has been universally agreed that the best approximation to actual and true justice is to let the fraction under one-half go unrepresented and the fraction over one-half go represented.

So that in taking your trial divisor—the present number of the House, or any other number you please—you do not use the true membership of the House; you merely try it and you always get as the true membership something a little over the trial divisor which you use. And so in this case, you would finally arrive at the true membership of 360 upon the basis of the number of Representatives, two hundred and eight thousand eight hundred and something, which you require for each Representative.

Now, Mr. Speaker, that is all I desire to say, but before I sit down I want to thank the gentleman from Massachusetts [Mr. FITZGERALD] for having read the Massachusetts constitution—that part of it from which we copied in Mississippi the provision which now stands as it does in our constitution. He read it for the purpose of showing that it was not analogous, but his reading proved that it was identical.

Mr. FITZGERALD of Massachusetts. Let me say to the gentleman from Mississippi——

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. WILLIAMS of Mississippi. Yes.

Mr. FITZGERALD of Massachusetts. In what part of the Massachusetts constitution or laws is the phrase which makes an exception of those whose father or grandfather was entitled to vote in 1867?

Mr. WILLIAMS of Mississippi. No part of it at all. Nor is there any such provision in the constitution of Mississippi. I said the part of the Massachusetts constitution that you read was copied into the Mississippi constitution. I did not say there was not anything in the Mississippi constitution except what you had up there; of course not. [Laughter.]

Mr. FITZGERALD of Massachusetts. I am glad to have the gentleman make that admission. I am certain that he does not wish to give the impression that the laws of Massachusetts in the matter of voting create any distinction between blacks and whites. It is not true, and I wish the House and the country to know that the election laws of Massachusetts apply with equal force to all classes of citizens.

The illiterate white, except those who voted previous to 1857, and they number very, very few at the present time, has no more right to vote than the illiterate black.

Mr. GILLETT of Massachusetts. Mr. Speaker, I find with much regret that on this bill I differ with my colleagues, with whom I ordinarily act in concert, and as I can not convince myself that I am wrong, I wish to state my reasons for voting against the Burleigh bill. If it were merely a question of gratifying the sensibilities or pride of the State of Maine, or of doing a favor to the most able men who represent her now, no man would go further to do it than I, although it does seem to me that just now that State is in a rare condition to accept gracefully that reduction of representation which is always likely to come to any of the older States, because to-day Maine is practically represented here by three men, and last fall one of her districts, by a very unique and extraordinary exhibition of gratitude for faithful and distinguished service, which I am sure we all admire, nominated and elected a hopeless invalid, so that, for at least three sessions, Maine would have had only three members on this floor, if we had not relieved her by a special bill for that most deserving statesman, though in doing it we all felt we were setting a very vicious precedent.

But kindness or even fairness to the State of Maine or to any other particular State is not the issue. It has been abundantly proved that mathematics can not determine any apportionment which shall be universally fair and equal. Some must fare better than others, and I wish I could vote as the Burleigh bill provides, that no State should fare better than the State of Maine. But there is one question which to my mind is controlling, and that is, is not the membership of this House already so large that any increase will reduce the individual influence and usefulness of the members, and also reduce the influence of this branch of Congress? I am very thoroughly convinced that this House is already quite as large as it should be. This objection was obvious to the defenders of the Burleigh bill, but they have met it by arguments quite inconsistent with each other.

The gentleman from Maine [Mr. LITTLEFIELD] argued that the House was not too large now for the orderly transaction of business, and he said a plan had been prepared for putting 30 new seats in this Chamber, so that it would be just as convenient as to-day. I think he is mistaken. I have not drawn a seat in the back row three Congresses out of four without learning that there are many seats where it is impossible to either hear or engage in debate.

My colleague [Mr. MOODY] differs from Mr. LITTLEFIELD, although supporting his bill, and he says the House is too big already, in which I agree with him; but he develops the extraordinary argument that this House is too big to-day, that some remedy is necessary, but that the members do not yet recognize the need of a remedy, and therefore to drive them to that remedy he would make the House bigger yet.

Mr. MOODY of Massachusetts. Mr. Speaker, I know that my colleague does not intend to misrepresent me.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Massachusetts?

Mr. GILLETT of Massachusetts. Certainly.

Mr. MOODY of Massachusetts. My position was not that the House was too large, but too large under the present conditions.

Mr. GILLETT of Massachusetts. Certainly. I did not express myself clearly, because I used the word House both for this Chamber and for the body. My colleague argues that in this Chamber the present membership can not properly conduct business. Then the gentleman from Maine, arguing on the same side, entirely disagrees with him. But what does my colleague suggest as a remedy? He says, increase the membership of this body. Then conditions here will be so bad that some change will have to be made, and he hopes that then a majority will agree with him that this Chamber should be greatly reduced, and that we should imitate the English House of Commons.

There are two objections to my colleague's argument. In the first place we have no assurance that what he considers the panacea—a reduction of the size of the Chamber—would ever be adopted, and if it were not, conditions would be vastly worse; the present confusion would be "worse confounded." Our most forceful Speaker in the last Congress attempted to have the experiment tried, but even his autocratic influence could not succeed; and I am afraid that the increment of 30 more seats would not drive the members to abandon their desks. But I do not think my colleague was happy in his comparison to the House of Commons. I think the conditions there are just what we want to avoid, and illustrate clearly the danger in any material increase of membership.

There the whole business of the House is in the hands of a very few men. A large part of the members take no part in the proceedings, seldom appear except to hear an exciting debate or vote in an important division, have no individual sense of responsibility, but trust to the party whip. I think that would be the necessary tendency here if the membership were increased, and that is just what we ought to aim to avoid. Why, in the House of Commons a whole political party of nearly a hundred is absenting itself by concerted action. Do we want such a sense of duty to exist here?

There is already a tendency here, which has occasioned much restiveness, to concentrate the power in a few hands; to allow a small number of leaders to manage business. Do we want that increased? I think not. Yet an increase of numbers must surely increase it.

The philosophical statement of Hamilton, quoted by the gentleman from Maine [Mr. LITTLEFIELD], that the larger an assembly the fewer men will guide it, is still true, and if we increase membership we must still more centralize power and influence. I think true progress is in the opposite direction. I think we should increase the size of the constituencies rather than of Congress. And I think in that way we shall maintain not only the individual influence of the members but the influence of this body. One of the most striking and mischievous tendencies to-day is the increasing power of the Senate compared with the House, and just so much as we increase and dilute our membership so do we decrease our relative influence. For these reasons, although the Burleigh bill benefits my section, although there are personal associations which make it unpleasant for me to oppose it, yet I have been unable to combat my deep conviction that this House is already quite large enough and ought not to be increased. [Applause.]

Mr. HOPKINS. Mr. Speaker, I ask for a vote on the first proposition.

The SPEAKER. The parliamentary situation is as follows: The gentleman from Maine [Mr. BURLEIGH] offers a substitute for the first section. The gentleman from Michigan [Mr. WM. ALDEN SMITH] offers an amendment to the Burleigh substitute. The gentleman from North Dakota [Mr. SPALDING] offers an amendment to the first section, and the first question will be on the amendment offered by the gentleman from North Dakota, which seeks to perfect the first section of the bill.

The question is on agreeing to the amendment offered by the gentleman from North Dakota [Mr. SPALDING].

Mr. BINGHAM. Let it be read.

The SPEAKER. The amendment will be again read, if there be no objection.

The Clerk again read the amendment.

The question being taken, the amendment was ageeed to.

The SPEAKER. If there are no other amendments to the first section, the question will now be upon the amendment offered to "the Burleigh bill"—the amendment offered by the gentleman from Michigan [Mr. WM. ALDEN SMITH]. Without objection, that amendment will again be reported for the information of the House.

The amendment was again read.

The question being taken, there were, on a division (called for by Mr. CORLISS)—ayes 85, noes 136.

So the amendment was rejected.

The SPEAKER. The question is now on agreeing to the substitute offered by the gentleman from Maine [Mr. BURLEIGH].

The question having been put,

The SPEAKER said: The Chair is in doubt.

Mr. BURLEIGH and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 102, answered "present" 10, not voting 77; as follows:

YEAS—166.

Adams,	Dinsmore,	Levy,	Shafroth,
Aldrich,	Dougherty,	Little,	Shattuc,
Alexander,	Dovener,	Littlefield,	Shaw,
Allen, Ky.	Driscoll,	Lloyd,	Sheppard,
Allen, Me.	Eddy,	Long,	Sibley,
Allen, Miss.	Elliott,	McCall,	Slayden,
Atwater,	Esch,	McCleary,	Small,
Bailey, Kans.	Faris,	McCulloch,	Smith, Ky.
Barham,	Finley,	McLain,	Southard,
Bell,	Fitzpatrick,	McRae,	Spalding,
Bellamy,	Fletcher,	Mann,	Sparkman,
Benton,	Foss,	Metcalf,	Sperry,
Bingham,	Fox,	Miller,	Spight,
Boreing,	Gaston,	Minor,	Sprague,
Boutell, Ill.	Gilbert,	Moody, Mass.	Steele,
Bowersock,	Gill,	Moody, Oreg.	Stevens, Minn.
Bromwell,	Gillet, N. Y.	Morgan,	Stewart, N. Y.
Brundidge,	Graham,	Morrell,	Stokes,
Burke, Tex.	Green, Pa.	Morris,	Sulzer,
Burkett,	Greene, Mass.	Naphen,	Sutherland,
Burleigh,	Griffith,	Needham,	Talbert,
Burleson,	Grout,	O'Grady,	Tayler, Ohio
Calderhead,	Hay,	Otey,	Thayer,
Caldwell,	Hemenway,	Overstreet,	Thomas, N. C.
Capron,	Henry, Miss.	Pearre,	Thropp,
Catchings,	Henry, Tex.	Pearson,	Tompkins,
Clark, Mo.	Hill,	Phillips,	Vandiver,
Cochran, Mo.	Jack,	Polk,	Vreeland,
Cochrane, N. Y.	Jenkins,	Pugh,	Wadsworth,
Cooper, Tex.	Jett,	Quarles,	Waters,
Cowherd,	Johnston,	Ray, N. Y.	Wheeler,
Cromer,	Jones, Va.	Reeder,	White,
Crowley,	Jones, Wash.	Rhea, Ky.	Williams, J. R.
Crumpacker,	Kahn,	Rhea, Va.	Williams, W. E.
Curtis,	Kerr, Md.	Ridgely,	Williams, Miss.
Cushman,	Kleberg,	Rixey,	Wilson, S. C.
Davey,	Knox,	Robb,	Woods,
Davidson,	Lamb,	Roberts,	Wright,
Davis,	Landis,	Robinson, Ind.	Young,
De Armond,	Lanham,	Rucker,	Zenor.
De Graffenreid,	Lassiter,	Russell,	
Denny,	Latimer,	Shackleford,	

NAYS—102.

Acheson,	Fordney,	Lester,	Ryan, N. Y.
Adamson,	Gaines,	Lewis,	Ryan, Pa.
Babcock,	Gardner, Mich.	Littauer,	Scudder,
Ball,	Gardner, N. J.	Livingston,	Shelden,
Barber,	Gillett, Mass.	Loud,	Sherman,
Bartholdt,	Glynn,	Loudenslager,	Showalter,
Bartlett,	Gordon,	Lovering,	Sims,
Berry,	Graff,	Lybrand,	Smith, Samuel W.
Bishop,	Griggs,	McAleer,	Smith, Wm. Alden
Breazeale,	Grosvenor,	McClellan,	Snodgrass,
Brenner,	Grow,	McDowell,	Stark,
Broussard,	Hall,	Maddox,	Stewart, N. J.
Brownlow,	Hamilton,	May,	Taylor, Ala.
Burnett,	Haugen,	Meekison,	Thomas, Iowa
Burton,	Hedge,	Mondell,	Tongue,
Clayton, Ala.	Henry, Conn.	Moon,	Turner,
Conner,	Hepburn,	Mudd,	Underhill,
Cooper, Wis.	Hopkins,	Muller,	Underwood,
Corliss,	Howard,	Norton, Ohio	Van Voorhis,
Dalzell,	Joy,	Packer, Pa.	Wachter,
Davenport, S. A.	Kerr, Ohio	Parker, N. J.	Weaver,
Davenport, S. W.	Ketcham,	Ransdell,	Weeks,
Emerson,	King,	Richardson, Ala.	Wilson, Idaho
Fitzgerald, Mass.	Kitchin,	Richardson, Tenn.	Wilson, N. Y.
Fitzgerald, N. Y.	Kluttz,	Rodenberg,	
Fleming,	Lacey,	Ruppert,	

ANSWERED "PRESENT"—10.

Gibson,	Meyer, La.	Salmon,	Tate.
Lane,	Olmsted,	Stephens, Tex.	
Mahon,	Powers,	Stewart, Wis.	

NOT VOTING—77.

Bailey, Tex.	Brosius,	Clarke, N. H.	Dahle,
Baker,	Brown,	Clayton, N. Y.	Dayton,
Bankhead,	Bull,	Connell,	Dick,
Barney,	Burke, S. Dak.	Cooney,	Driggs,
Boutelle, Me.	Butler,	Cousins,	Foster,
Bradley,	Campbell,	Cox,	Fowler,
Brantley,	Cannon,	Crump,	Freer,
Brewer,	Carmack,	Cummings,	Gamble,
Brick,	Chanler,	Cusack,	Gayle,
Hawley,	Marsh,	Pierce, Tenn.	Swanson,
Heatwole,	Mercer,	Prince,	Tawney,
Hitt,	Mesick,	Reeves,	Terry,
Hoffecker,	Miers, Ind.	Riordan,	Wanger,
Howell,	Neville,	Robertson, La.	Warner,
Hull,	Newlands,	Robinson, Nebr.	Watson,
Lawrence,	Noonan,	Smith, Ill.	Weymouth,
Lentz,	Norton, S. C.	Smith, Iowa	Ziegler.
Linney,	Otjen,	Smith, H. C.	
Lorimer,	Payne,	Stallings,	
McDermott,	Pearce, Mo.	Sulloway,	

So the amendment of Mr. BURLEIGH was agreed to.

Mr. POWERS. Mr. Speaker, I find that I am paired with the gentleman from Alabama, Mr. BANKHEAD. I therefore desire to withdraw my vote and be marked "present." I would say that if Mr. BANKHEAD were present he would vote for the Hopkins bill and I should vote for the Burleigh bill.

The SPEAKER. That last statement is not in order.

The name of Mr. POWERS was again called, and he answered "present."

The following pairs were announced:

Until further notice:

Mr. BULL with Mr. CUSACK.

Mr. FREER with Mr. STALLINGS.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MAHON with Mr. NEVILLE.

Mr. WATSON with Mr. NOONAN.

Mr. MARSH with Mr. GAYLE.

Mr. MESICK with Mr. LENTZ.

Mr. HITT with Mr. CHANLER.

Mr. HOFFECKER (who would vote for the Burleigh bill) with Mr. STEPHENS of Texas (who would vote for the Hopkins bill).

Mr. TAWNEY with Mr. CLAYTON of New York.

Mr. WANGER with Mr. ROBERTSON of Louisiana.

Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina.

Mr. WARNER with Mr. COONEY.

Mr. BARNEY with Mr. COX.

Mr. GAMBLE with Mr. CAMPBELL.

Mr. CLARKE of New Hampshire with Mr. PIERCE of Tennessee.

Mr. SULLOWAY with Mr. CARMACK.

Mr. BURKE of South Dakota with Mr. DRIGGS.

Mr. SMITH of Illinois with Mr. FOSTER.

Mr. BROWN with Mr. RIORDAN.

Mr. REEVES with Mr. CUMMINGS.

Mr. MERCER with Mr. BRANTLEY.

Mr. PAYNE with Mr. SWANSON.

Mr. CRUMP with Mr. ROBINSON of Nebraska.

Mr. SMITH of Iowa with Mr. MCDERMOTT.

Mr. FOWLER with Mr. BAILEY of Texas.

Mr. HOWELL with Mr. SALMON.

For this day:

Mr. POWERS with Mr. BANKHEAD.

Mr. BUTLER with Mr. BRADLEY of New York.

Mr. WEYMOUTH and Mr. NEWLANDS.

Mr. DICK (who would vote for the Burleigh bill) with Mr. BREWER (who would vote against it).

On this bill:

Mr. BROSIUS with Mr. CONNELL.

Mr. HULL with Mr. BRICK.

Mr. CANNON with Mr. TERRY.

Mr. COUSINS with Mr. OTJEN.

Mr. HEATWOLE with Mr. TATE.

Mr. LANE with Mr. BAKER.

Until January 9:

Mr. GIBSON with Mr. MIERS of Indiana.

Mr. MEYER of Louisiana. I am paired with the gentleman from West Virginia [Mr. DAYTON], and therefore I desire to withdraw my vote.

The Clerk called the name of Mr. MEYER of Louisiana, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 357.

Mr. CLARK of Missouri. Mr. Speaker, I have an amendment that I want to offer to that section.

Mr. HOPKINS. Before that is offered, I will ask my friend from Missouri to yield for a moment, until the gentleman from Kansas [Mr. LONG] can offer an amendment to make this section conform to the preceding section.

Mr. CLARK of Missouri. I will withdraw it, but I do not want to lose my place.

Mr. HOPKINS. You shall have it.

The SPEAKER. The chairman of the committee desires the gentleman from Kansas to offer the amendment?

Mr. HOPKINS. Yes.

Mr. LONG. I move to strike out "fifty-seven," at the close of the section, and insert "eighty-six," so as to conform to the first section of the bill as amended.

The Clerk read as follows:

On page 2, section 2, lines 11 and 12, strike out "fifty-seven" and insert "eighty-six."

The SPEAKER. This makes it conform to the action just taken by the House?

Mr. LONG. It does.

Mr. HOPKINS. Yes.

The amendment was agreed to.

Mr. CLARK of Missouri. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend the amendment by adding the following words:

"That the District of Columbia is hereby created a Territory by the name of the Territory of Columbia.

"SEC. 2. That all male citizens of said Territory over 21 years of age who have not been convicted of a felony and who have resided within said District one whole year prior to the first Tuesday after the first Monday of November, A. D. 1902, are qualified electors to vote for all Territorial officers and upon all Territorial questions.

"SEC. 3. That the existing District government shall continue until January 1, 1903, and the laws now in force shall continue in force until changed or repealed by the Territorial legislature.

"SEC. 4. That prior to January 1, 1903, the President of the United States shall appoint a governor, secretary, and marshal for said Territory from among the qualified voters thereof, who shall hold their offices for a term of four years from said 1st day of January, A. D. 1903, unless sooner removed for good and sufficient cause.

"SEC. 5. That the legislature of said Territory shall consist of a senate and house of representatives. The senate shall be composed of 11 members, who shall be qualified voters of said Territory at least 30 years of age, whose term shall be four years. The house shall be composed of 22 members, who shall be qualified voters at least 25 years old, and whose term shall be two years.

"SEC. 6. That the said Territory shall be entitled to a Delegate to the House of Representatives in the Congress of the United States.

"SEC. 7. That it shall be the duty of the present Commissioners of the District forthwith to divide the said Territory into 11 legislative districts, as nearly equal in population as possible, each of which shall be entitled to 1 senator and 2 representatives in the Territorial legislature.

"SEC. 8. That on the first Tuesday after the first Monday in November, 1902, an election shall be held within said Territory for the purpose of electing senators and representatives in said Territorial legislature and a Delegate to the Congress of the United States.

"SEC. 9. That it is hereby made the duty of said Commissioners to provide polling booths, poll books, tally sheets, printed ballots, and other appliances necessary for said election, and to appoint judges and clerks for the same in such numbers as to them shall seem best: *Provided, however*, That not more than one-half of such judges and clerks shall be appointed from one political party.

"SEC. 10. That election returns shall be certified to said Commissioners, and they shall canvass the same and issue certificates of election to those elected.

"SEC. 11. That each house of said legislature shall be the sole judge of the election and qualification of its members.

"SEC. 12. That at high noon, January 1, 1903, both houses of said legislature shall meet at places prepared by said Commissioners and shall organize for business *by electing* such officers as shall be necessary, and may continue in session for ninety days, and no more.

"SEC. 13. That senators and representatives in said legislature shall receive $10 per day during the session, to be paid out of the revenues of said Territory.

"SEC. 14. That said legislature shall have power to enact all necessary laws, to levy taxes, to disburse the revenues, to do all things usually done by Territorial legislatures, and to provide for the election and appointment of all subordinate officers, and to fix their compensation."

During the reading of the foregoing,

Mr. HOPKINS said: Mr. Speaker, enough of that has been read to indicate that it is clearly objectionable. I make the point of order against it that it is not germane to this bill.

The SPEAKER. The point of order is sustained.

Mr. CLARK of Missouri. I have the right to have that read in my time.

The SPEAKER. The point of order is sustained; but the Chair will recognize the gentleman from Missouri if he desires.

Mr. CLARK of Missouri. I want to have that read in my time. I believe I am entitled to five minutes.

The SPEAKER. It can not be done now except by unanimous consent. It is out of order.

Mr. CLARK of Missouri. I will ask the House, then, that the amendment be published in the RECORD, and I desire to state the substance of it.

The SPEAKER. The gentleman from Missouri asks unanimous consent that this amendment be published in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Now, I want five minutes.

The SPEAKER. The gentleman from Missouri is recognized for five minutes, if there be no objection.

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, the part of that amendment that is pertinent to this bill is to give the District of Columbia a Delegate to sit in this House. Ever since I came here I have been in favor of that proposition, and all I have witnessed confirms me in that opinion.

It is a disgrace and reproach to the American Republic that right here under the shadow of the Dome of this Capitol 300,000 people, white, black, yellow, and copper-colored, are absolutely disfranchised and have no more voice in their own Government than if they were so many Digger Indians. The only objection that I have ever heard to my proposition was the statement of some fine-haired solar-walk citizens of this city that "if the right of franchise were restored to these people the poor whites and damned niggers would vote them into bankruptcy." That is a very strange statement to be made in this city—the finest capital in the world.

You can not walk 300 yards in this city without seeing the effigy of either Andrew Jackson or of Abraham Lincoln. To say that poor whites are dangerous voters in this country, which holds up those two illustrious men, sprung from the poorest of poor whites, as exemplars of American manhood is absolutely preposterous. A wag out in Missouri told me that when Andrew Johnson was sworn in as Vice-President, in looking up at the Senate diplomatic gallery, he happened to catch sight of the representatives of the foreign governments up there, and, shaking his fist at them, said: "You aristocratic cockadoodles, go back to your royal masters and tell them that in the land of the setting sun you saw a tailor and a rail splitter climb to the apex of human power." [Laughter.] That is a gorgeous sentence—a patriotic sentiment.

Whether he ever said it I do not know. However that may be, it was worthy to be said, because in that idea is the genius of our institutions. And I want to say, Mr. Speaker, that if a "nigger" is good enough to vote against me in the Ninth Congressional district of Missouri, he is good enough to elect a Representative for the city of Washington to sit on this floor. [Applause.]

We have always professed that we are in favor of "home rule." Our desire to see the Cubans have home rule lay at the root of the Spanish war. We are all in favor of home rule for Ireland, and a vast majority of the American people, irrespective of party affiliations, wish to see the brave, heroic Boers win in their unparalleled fight for home rule. Yet, with persistency which is amazing and inconsistency which is enigmatical, we refuse to grant the precious boon of home rule to our own fellow-citizens at our very doors. It is not only an anomaly in our system of government; it is an anomaly in human nature.

I do not believe that the people of this District are unfit for self-government. They have a fine opportunity for educating themselves in that difficult art. They hear more politics and talk more politics than the people of any other portion of the Republic. Things are always happening here to incite their patriotic fervor. The monuments of our achievements and our greatness are all about them. The visible evidences of our power are forever before their eyes. The glorious traditions and fascinating legends of American worthies who have passed into history are familiar to their ears. The numberless blessings of our free institutions are known to them. To say that they are unfit to govern themselves is to confess that our experiment in representative government is a colossal failure.

Mr. Speaker, you may rule this bill out of order now, but if I sit in this House long enough, I intend to bring this bill here in a way that it will have ample discussion, and whenever it does I will drive the Republican majority of this House into taking the position openly on this floor that the negroes are not fit to vote at all, because that is the idea that they have in disfranchising the people of the District of Columbia, though, for political reasons, they dare not avow it. And in this connection I have only one wish, and that is to be in this city on the day that they elect the first Delegate to sit in the American Congress.

There would be 500 candidates at the least calculation. It would be a battle royal, to witness which would be worth ten years of peaceful life; and it is the saddest commentary ever made on free government that we sit here and refuse to these people the right to govern themselves—to indulge in the luxury of voting and being voted for. A gentleman said to me the other day that this was the best governed city on the continent, when I was talking to him about this bill. Suppose it is. Every city has a right to govern itself as it pleases. If it wants to let the hoodlums run it, all well. The only reason that the hoodlums run any town on the American continent is that the fine-haired people, the self-styled "better classes," think they are better than other people. They are unwilling to be jostled by a hoodlum on the day of election.

Mr. KLUTTZ. The mugwumps?

Mr. CLARK of Missouri. Yes, the mugwumps, or jugwumps, as Sam Jones calls them. These fine-haired people are too good to discharge their political duties. They stay at home in idleness, clothed in his mantle of self-righteousness, while the hoodlum discharges not only his own political duty, but also the political duty of the fine-haired citizen. I repeat it, Mr. Speaker, and it is the last I have to say about it at present, that you can rule this amendment out of order now, but the day will come when this bill will be, must be, considered here. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired. The Clerk will proceed with the reading.

The Clerk read as follows:

SEC. 3. That in each State entitled under this apportionment, the number to which such State may be entitled in the Fifty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

The following committee amendment was read:

In line 16, after the word "contiguous," insert the words "and compact."

The SPEAKER. This is a committee amendment.

Mr. TAYLER of Ohio. Mr. Speaker, I demand to be heard.

The SPEAKER. Does the gentleman offer an amendment?

Mr. TAYLER of Ohio. I move to strike out the last word.

Mr. HOPKINS. There is a committee amendment pending.

Mr. TAYLER of Ohio. I understand that there is a committee amendment pending, and I merely offer the formal amendment for the purpose of making an opportunity to record my objection to this kind of legislation on apportionment bills. The only power the House has is to fix the apportionment and the number of Representatives to which the several States are entitled. Congress has no power to say how the districts shall be laid off, whether in contiguous territory or of as nearly equal population as practicable: that duty rests upon the States, and upon them alone.

The right to declare that Congressional districts shall be laid off out of contiguous territory and of as nearly equal population as practicable implies, of course, the power to revise any infraction of the law; and the power to revise implies the power to initiate, and would give to Congress the right to lay off into districts all the States of the Union. This, it seems to me, is too monstrous a doctrine to be for a moment tolerable.

I know that for fifty years such provisions as these have been incorporated in apportionment bills, but no State has ever permitted itself to be bound by them.

Since such legislation has always been nugatory, I attach no especial importance to this effort, and it is hardly worth while wasting the time of the House at this late hour in endeavoring to convince it of the invalidity of these sections.

Having, however, recorded my objections to them as unconstitutional and void, I withdraw the amendment.

Mr. SPIGHT. Mr. Speaker, I had hoped that in this era of good feeling and in the first month of the new century the passions and prejudices engendered by the civil war, now happily more than a third of a century behind us, had been forever buried. I had hoped that no legislation would be suggested or proposed in this House that would even tend to revive that feeling of bitterness or to reopen those old wounds. I had hoped that the spirit of harmony and good will between the North and the South, so earnestly advocated by President McKinley on several notable occasions, would be permitted to flow on without interruption, "yielding the peaceable fruits of righteousness."

I am glad of the assurance that the President, in the kindness of his heart and the generous disposition which animates him, is now opposed to any such punitive legislation as that embodied in what is known as the "Crumpacker bill," proposing to arbitrarily strike down a part of the representation on this floor of four sovereign States of the Union because those States are unwilling that the pure, honest, intelligent administration of their local government shall be again jeopardized by the rule of vice, corruption, and ignorance.

Having drunk to its dregs this bitter cup during the dark days of the reconstruction period, we never intend to swallow it again, and there is no power on earth that can make us do it. Our brethren of the North do not understand the conditions which confront us, nor can they have any reasonable conception of the horrors of carpetbag rule as it existed in Mississippi and other Southern States from 1869 to 1876. Big-brained, big-hearted old Horace Greeley, from his tripod in the Tribune office, could not believe that the half that was told was true until he visited the South and satisfied himself; and when he returned home he wrote the historic words, "I found the carpetbagger a mournful fact."

Many other conservative Republicans, some of whom I am glad to find occupying seats upon this floor and in the other end of the Capitol, have, like Horace Greeley, investigated for themselves, and now freely admit that in several of the Southern States the overshadowing and impending peril is negro supremacy, which means a destruction of all the highest and best interests of the people of those States; and I have confidence that when the test is applied they will have the courage of their convictions, rise above passion and prejudice, and, instead of viewing the matter from the standpoint of mere partisan advantage, look at it in the light of broad statesmanship and justice to a long-suffering people who are to-day as loyal to the flag of a reunited country as those of any State in this great Republic.

I come from a proud State. I love her people and all their interests. I love her hills and her valleys, her murmuring rills and her rolling rivers, and her mighty "Father of Waters," upon whose majestic bosom is borne the commerce of half a continent. No braver men nor fairer women dwell beneath the shining sun than are to be found in Mississippi. During the fateful days from 1861 to 1865 her sons illustrated their heroism upon a hundred bloody fields, and the devotion of her women in those perilous times has never been surpassed in the annals of history. But when the war was ended we accepted in good faith the arbitrament of arms, and if anything was wanting to prove the loyalty of the Southern people, I need only to refer to what has passed into history during the last two years.

Men who wore the gray so proudly and valiantly in 1861 have been found fighting under the flag of the Union. Sons of the men who wrote the brightest pages in the martial history of the world freely enlisted under the banner of a reunited country, ready to dare, to do, and to die for the honor and glory of the great Republic; and some of the richest blood of the South has been poured out upon the decks of our battle ships and upon sanguinary fields, and to-day wherever our armies are found confronting an enemy there sons of the South vie with their Northern brothers in deeds of heroism and patriotic duty.

We of the South have a problem to solve, the gravest that ever confronted a proud-spirited people, and all that we ask is to be let alone in our efforts to work it out, and in God's own time, guided by enlightened statesmanship and the spirit of the Divine Master, we will solve it to the mutual advantage and satisfaction of both races. The Crumpacker bill proposes to take from the State of Louisiana 2 of her present Representatives in Congress, reducing her from 6 to 4; from Mississippi 3, reducing her from 7 to 4; from North Carolina 4, reducing her from 9 to 5, and from South Carolina 3, reducing her from 7 to 4, and at the same time increasing the representation of other States so as to make the membership of the House 365 instead of 357, as now constituted.

And why is it sought to thus degrade and dishonor these four proscribed Southern States? Solely because they have, by constitutional amendments, endeavored to protect themselves against the possible danger of a return to power of the vicious and ignorant elements in our midst and open the door to another flock of foul birds of prey like those which feasted and fattened upon the substance of our people in the reconstruction period.

In the further discussion of this subject, Mr. Speaker, I shall confine myself to the conditions in Mississippi, and to showing the fallacies of the arguments which have been employed by gentlemen who favor this repressive legislation. Some of these are so manifestly without solid foundation that I can only believe they are the result of want of information. I do not charge them with intentional unfairness, but whether with deliberate purpose or from want of information, the effect is the same if allowed to go unchallenged.

These gentlemen have made the Congressional vote in 1898 the basis of a charge that an enormous percentage of our people are disfranchised and a test of the number of qualified voters in the State of Mississippi. If gentlemen had taken the pains to inform themselves, they must have learned that they reasoned from absurdly false premises. They would have learned that several causes combined to record so small a vote in that year. In the first place, in Mississippi we have a primary-election law under which most nominations are made, and after this has been done, there being practically no opposition in the general election, there is no inducement to a full vote; and this applies to all our elections, whether State or Federal.

In the second place, we have quadrennial elections for all State, district, and county officers, and these elections are wholly divorced from Federal elections and never occur in the same year, so that every four years we have an election for members of Congress alone. This was the case in 1898, and there was nothing to call out a full vote. As a matter of fact, only about one-sixth of the registered vote was polled. As an illustration, which will hold good throughout the State, the registration books showed in the district which I have the honor to represent that in the 9 counties composing that district, as I get it from the report of the secretary of state made to the legislature in 1897, there were 18,450 registered voters, whereas in the Congressional election of 1898 there were polled only 3,174.

Therefore it is not only untrue but utterly without foundation in fact that this light vote has any bearing upon the question of disfranchisement, when there were more than 15,000 registered voters in the district who did not avail themselves of the right to vote. How many failed to register for reasons similar to those which prompted the 15,000 who were registered to decline to vote we have no means of ascertaining, but undoubtedly a large number. It does not cost a man anything to register in Mississippi, except the time it takes to go to his voting place and meet the county registrar, who is required by law to attend at such place on appointed and published days for the purpose of adding the names of those who desire to register.

Then again, Mr. Speaker, the vote for different candidates at the same election varies. For instance, in the Presidential year of 1896 the vote for electors was 69,513, while the Congressional vote on the same day was only 66,285.

In 1900 the Presidential vote was a little more than 59,000, while the Congressional vote, by districts, was only 51,238, a difference of nearly 8,000 votes on the same day.

In 1892 the first Presidential election after the adoption of our present constitution, which has been so vigorously and unfairly assailed upon this floor, was held, and the vote for electors was only 52,809, and four years later, in 1896, as I have before stated, it was 69,513, an increase of nearly 13,000 votes.

To show again the fallacy of the arguments of these gentlemen, I will present some figures on our State elections for a number of years.

In the last State election before the beginning of the reconstruction period, which was held in 1865, Gen. B. G. Humphries, a gallant, maimed ex-Confederate soldier whom everybody loved, was the Democratic candidate for governor, and there was only a total of 41,880 votes polled. In 1869, when the first election was held after the enfranchisment of the negro, Gen. James L. Alcorn, a "home Republican," and a man of decided ability and some conservatism, was the candidate of the Republican party, and Louis Dent, a brother-in-law of General Grant, was the candidate adopted by the Democrats. In this election there was a total of 114,784 votes polled. In 1873, General Ames, late of the United States Army, who had been sent there as military governor and decided to remain and dip his oar into the murky pool of politics, was the nominee of the carpetbag fraternity, of which he was then a most conspicuous member, while Governor Alcorn, who had become thoroughly disgusted with carpetbag methods, was a candidate for reelection and was supported by most of the Democrats and a few conservative Republicans.

In this election there were polled 110,857 votes, a loss, as compared with the election of 1869, of nearly 4,000. Alcorn was defeated by about 19,000 votes. I will stop here to say that this fight of Governor Alcorn against Ames and his carpetbag lieutenants was the entering wedge toward the destruction of the power of the gang of robbers who were holding high carnival in offices in which many of them were not fit to serve as janitors. Governor Alcorn retired to his plantation, but in 1890 was called by the people of his county to serve in the convention which framed our present constitution and supported and voted for it as it stands to-day.

With the election of Ames in 1873 there was inaugurated the darkest period of two years that Mississippi ever knew. Flushed with victory, mad with power, and with an overwhelming majority in the legislature composed of ignorant negroes, unscrupulous carpetbaggers, and a sprinkling of "scallawags"—a name applied to native white Republicans who joined hands with this detestable conglomeration—they reveled in excesses and burdensome legislation as if determined to reduce the white property owners and taxpayers to a condition of pauperism, and at the same time impose upon them terms so humiliating that no proud people in any State in this Union would have borne them. I happened to be one of the few Democrats in that legislature of 1874–75 and I know whereof I speak.

We not only knew that we were being systematically and persistently robbed, but we were compelled to look on, powerless and helpless, while it was being done, and to see the house our fathers built desecrated and befouled by as filthy a flock of vultures as ever gathered around a carcass. It is a significant fact, so far as my information extends, that not one of those carpetbaggers who returned home after 1875, or any of their kith or kin, or even any bearing the same name, have ever, by the choice of the people of any Northern State or community, been clothed with any office of honor, or trust, or emolument. This must be due to the fact that where they were best known they were regarded as unworthy.

Now, if you, my Republican friends, could bring yourselves to a realization of what we of the South had to endure in those times, you could understand why we were driven to desperation and in defense of our little property, our homes, our lives, and our honor were compelled to resort to methods in elections the necessity for which we regretted, but which was better than violence and bloodshed. I must not be understood as apologizing for Mississippi. She has nothing to apologize for. She needs no apologist.

In 1875, when "forbearance had ceased to be a virtue," and we realized that a change must be made in the administration of the government or ruin would be the inevitable result, the law-abiding, taxpaying citizens of the State determined that this unholy and degrading state of affairs should end. What I have described as occurring in the State legislature was repeated, only on a smaller scale, in every county in the State having a negro majority.

Gen. J. Z. George, one of the noblest, ablest, and purest men that ever represented Mississippi in the Senate of the United States, as chairman of the Democratic State executive committee led the fight for the election of a Democratic legislature in 1875. His great power of organization and splendid executive ability, reenforced by a corps of able and patriotic assistants, and grim determination on the part of the people won the victory, and in January, 1876, there assembled at the seat of government the most distinguished body of legislators that ever served the State.

Generals, ex-judges, eminent lawyers, wealthy planters, men of all professions and vocations, and all of the highest character, had laid aside more profitable private business and accepted seats in the legislature with one object only in view, and that to "cleanse the Augean stables," drive out the thieves and corruptionists, and restore the government to the people who paid the taxes. With the exception of two, every State officer, from governor down, was either impeached or resigned to avoid impeachment, and left the State followed by a horde of other carpetbaggers from every county, with pockets well filled with ill-gotten gains. It is worthy of remark that one of the two State officers who were found worthy to serve out their terms and to whose door no corruption could be traced, was the secretary of state, a native negro, who had been educated and trained by a former "young mistress."

Since 1875 elections in Mississippi have been as fair as in any State in the Union.

After the removal of Ames in 1876 John M. Stone, the president of the senate, became governor by operation of the constitution, and the administration of this high officer was so pure, able, and patriotic that in 1877 he was elected governor without opposition, receiving nearly 98,000 votes.

In 1881 Gen. Robert Lowry was nominated by the Democrats. He was opposed by a "home" man who claimed to be an "Independent Democrat," and who was supported by a part of the negroes and a large and respectable farmers' organization, which was the forerunner of the Populist movement in Mississippi. Lowry was elected by a majority of about 40,000 in a total vote of 129,511—the largest vote ever polled in the State, either before or since.

In 1885 Lowry was reelected without opposition, receiving a vote of nearly 90,000, which was a loss of nearly 40,000 as compared with that of 1881.

In 1889 Stone was again elected without opposition by a vote of 84,945.

It is proper to state here that the carpetbagger and professed friends of the negroes had industriously instilled into the minds of the too credulous negroes the belief that if the Democratic party ever got into power again they would be returned to slavery, and that, like the man into whom eight devils returned after one had been cast out, their "last state would be worse than the first." But in 1885 a Democrat was inaugurated President of the United States, and we had been blessed with nearly ten years of Democratic State administration, and the negro had learned that his freedom was an accomplished fact, and that he was just as safe under Democratic as under Republican rule, and as a result he commenced to take less interest in politics, especially as he was no longer under the baleful influence of the carpetbagger.

In 1895 the first State election was held under our present constitution, in which there were polled 64,339 votes, a loss of about 20,000, as compared with the election of 1889, the constitution of 1890 having extended the terms of all State officers two years.

In 1873, when the vote was 110,000, the population, as shown by the census of 1870, was about 830,000. Calculating on the basis of one-fifth of this number being males 21 years of age and over, would show a total of more than 165,000, and also that there were 55,000 who did not vote, in the absence of any restriction upon the suffrage.

In 1881, when the unprecedented vote of nearly 130,000 was polled, the population, as shown by the census of 1880, had increased to 1,131,597 which, on a basis of 1 in 5, would have given as the number of males 21 years old, 226,319, showing that nearly 100,000 did not vote.

The registered vote in the State is now about 130,000, and I have shown that not more than half, and frequently less than half, of that number avail themselves of their right to vote. So it will be seen that neither the number of males 21 years old, nor the number who are registered, nor the number who vote can be relied on as a test of the extent of disqualification under our constitution.

I will not stop to answer the charges of the gentleman from Indiana [Mr. CRUMPACKER] about lynchings in the South. It comes with poor grace from him in view of the fact that less than a month ago, in his own State, three negroes were run down with bloodhounds and lynched for killing a white barber; and it is said by newspapers that the mob consisted of the best citizens of a town of 2,000 or 3,000 inhabitants. Most of the lynchings in the South are for rape and attempts to commit rape. While I do not want to be understood as advocating mob law, I will say that just as long as negroes, or white men either, commit rape

upon white women, just so long will lynchings continue. The honor of our women is dearer to us than everything else in this life, and dearer than life itself, and when one of these brutes lays his hand upon one of them swift and certain death will follow without waiting for court, judge, or jury.

Now, as to the merits of the bill under consideration, I say that our representation can not be reduced with any degree of intelligence or fairness, because neither the Census Committee of the House nor the Census Bureau has the necessary information upon which to base such action, nor can it be obtained. In the absence of such information a reduction of our representation would be arbitrary and in violation of the very clause of the fourteenth amendment to the Federal Constitution which gentlemen profess to be so anxious to obey.

The Director of the Census was not required, nor has he undertaken, to furnish the number of voting or nonvoting citizens; the number of disqualified citizens; the number in each disqualified class; the number who voluntarily refused or neglected to vote; the number who, through absence from home or from sickness, failed to register or vote; the number who are disqualified for being unable to read or understand any section of the Constitution when read to them; the number who are disqualified on account of crime, etc. These are facts which must be presented to the House before any intelligent action can be had, and there is no way under the Heavens by which this necessary information can now be obtained.

I say, therefore, that Congress can not, without injustice and disregard of the spirit of the Federal Constitution, enact any law along the lines proposed by the Crumpacker bill or any similar measure. If it should become the fixed purpose of Congress to reduce our representation, it must, when providing for the taking of the next census, require the Director to obtain the information which would enable Congress to act intelligently. In no other way can it be done. It would not do to undertake that now as a supplemental work to the Twelfth Census, because the Constitution provides only for one census every ten years, and that has been taken. Even if this were permissible, just think what a herculean and costly job it would be! There are about 50,000 election precincts in the United States, and an army of 50,000 expert agents would be required for this work, at an enormous cost to the Government.

The Mississippi constitution, largely the product of the masterful intellect of United States Senator J. Z. George, who was a member of the convention, and one of the ablest, noblest, and purest men, as well as one of the most profound constitutional lawyers of his generation, has stood the test of all the courts, State and Federal, and it is now universally conceded that it is in no sense an infraction of the Constitution of the United States.

In addition to the educational tests and the payment of all taxes the franchise clause of our constitution specifies the following crimes, conviction of any one of which disqualifies from registration and voting, viz: "Bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, and bigamy." This feature is fully authorized by the fourteenth amendment, which declares, in effect, that any State may disfranchise such as have been convicted of any crime without suffering the penalty of having representation reduced on account of such disfranchisement. This will not be denied by anyone.

Now, there are several crimes in this list to which the negro is peculiarly addicted. There are many honest, worthy, law-abiding negroes, and what I may say in this connection is in no sense a reflection upon them; and all such have the respect and confidence of the white people and receive from them the fullest encouragement, the gentleman from Indiana [Mr. CRUMPACKER] to the contrary notwithstanding.

Every man who is at all familiar with the character of the negro knows how prone he is to steal anything from a watermelon or a chicken to a bale of cotton or a horse. It will be observed that the Constitution does not limit the disqualification to grand larceny, but applies to the stealing of anything of any value, whether great or small, and thousands of negroes and some white men are disfranchised for this crime alone. Perjury is another crime of most frequent occurrence, as it is well known that most negroes who come into the courts as witnesses, and some white men, have no conception of the sanctity of an oath. Everyone who knows anything of negro habits and characteristics knows also that, as a rule, they have but little regard for the sacredness of their marital vows, and do not wait until they are "off with the old before they are on with the new."

The other crimes which disfranchise are also of frequent occurrence. Now, I ask, how can any member of this House say how many males 21 years of age and over are disfranchised because of crime? There are a thousand in our State penitentiary and other thousands who have paid the penalty of the law and are at liberty, but with the disqualification clinging to them. Every year hundreds are being added to this list from the courts all over the State.

I lay down this incontrovertible proposition, that education, frugality, and honesty are the remedies for the negro as well as for the white man, and they furnish the key which unlocks the door to the elective franchise.

It has been intimated by gentlemen in the course of this discussion that Mississippi is not doing her duty in the way of common-school education. I deny it most emphatically. It is true that we do not appropriate as much for this purpose as is available in States whose people have had none of our bitter experiences. The great destruction of our property—not counting the emancipation of our slaves—during the civil war left us poor indeed, and the unblushing robbery of our people under carpetbag government well-nigh completed our impoverishment. But, according to financial ability, we are doing as much for the cause of education as our more highly favored sister States of the Union.

The last report of the State superintendent of education shows that about the sum of $1,500,000 is annually appropriated for common schools, and in addition to this, large appropriations for colleges and other institutions of learning, some of which are for the exclusive education of negro boys and girls in the higher branches. In addition to all this, the State law authorizes the counties and separate school districts to levy and collect taxes for an additional school fund, and many of them avail themselves of this power.

In every neighborhood in the State there are open free pubilc schools from four to eight months in the year for children, white and colored, between the ages of 5 and 21 years; and the money that pays the expenses of these schools is furnished almost entirely by the white taxpayers of the State; and, although the number of negro children in these schools largely exceeds the number of white children, the negro pays less than one-tenth of the taxes. During the scholastic year of 1898–99, as shown by the last report of the State superintendent of education, the enrollment of white children in the free schools was 167,178 and the colored enrollment was 192,368.

The increase of interest in education amongst whites and blacks is very marked. You can scarcely find a young white man now in Mississippi who has not sufficient education to enable him to read and write, and very many of them are not content with this, but reach out for higher education. This is measurably true of the young negroes, and they are taking more interest by far than their race has ever before manifested.

There are thousands of negroes in Mississippi who could qualify as voters, but fail to do so because of want of interest, and prefer to devote themselves to the improvement of their condition along more profitable lines rather than dabble in politics; and I venture the assertion that when the report of the Twelfth Census is made public it will be found that the percentage of illiteracy in Mississippi has been largely decreased as compared with the census of 1890; and under present conditions this percentage of illiteracy will continue to rapidly decrease. If you undertake this business of reducing Southern representation on account of the educational test you will have to practice on a sliding scale and that an ascending one.

As to the condition of the negro in Mississippi, it is the judgment of every thoughtful, observant man familiar with the situation that, out of politics, the negro is far happier and more prosperous than ever before and fewer loafers are found around the towns.

In conclusion, Mr. Speaker, I repeat what I said before, let us alone, and we will work out our destiny profitably and honorably to the white people and satisfactorily to the negro; but if Congress should, in its mistaken zeal for the advancement of the negro and the humiliation of the white people of the proscribed Southern States, do what I don't believe this House intends to do—impose upon us this punitive legislation—let me sound a note of warning—not a threat—that in doing so you may "kill the goose that lays the golden egg" for the negro.

Beware that when you thus dishonor us you do not drive our people to retaliation and cause them to withdraw the white man's money from the black man's children. If we are to be sorely stricken by you on one cheek over the shoulder of the negro, you need not be surprised if we are lacking in that Christian grace which would prompt us to turn the other. And if, by your misguided policy, you should bring this affliction upon the negro, you may live to hear curses loud and deep from the unfortunate people whom you profess to befriend. Already in some quarters mutterings are heard that the "white man's burden" is too great, and that the negro should educate his own children. Unwise and repressive legislation by the Republican majority in Congress would, beyond doubt, intensify this feeling, and by such course you may let loose a storm that will prove disastrous to the educational interests of the negro.

That we will retain our constitutional restriction upon the right of suffrage you need not entertain a doubt. We are determined never again to allow ignorance and venality to control the administration of our State affairs. You have the political power, by force of numbers, to take from us a part of our representation

upon this floor by applying to us a rule different from that applied to other and older States of the North having constitutions which disfranchise a part of their citizenship, but you can not compel us to tear down that which stands and shall ever stand as a breakwater between our property holding, taxpaying classes and the ruin which always attends the domination of vice and ignorance. [Applause.]

Mr. HOPKINS. I ask for a vote on the committee amendment.

Mr. KITCHIN. I hope the gentleman will not do that at this time.

The SPEAKER. The Chair recognizes a member of the committee, the gentleman from North Carolina [Mr. KLUTTZ], in opposition to the committee amendment.

Mr. KLUTTZ. Mr. Speaker, I believe the question before the House is the adoption of the committee amendment to insert the words "and compact?"

The SPEAKER. The gentleman is correct.

Mr. KLUTTZ. I want to say, sir, that while I signed that report I indicated to the gentleman from Virginia [Mr. RIXEY], when I addressed the House on the bill, I then doubted seriously the propriety of the insertion of the words. Further reflection has convinced me of the fact, as stated by the gentleman from Ohio [Mr. TAYLER], that it is unconstitutional and beyond the power of Congress to so impinge upon the power of the State.

In the next place, I believe that it is unadvisable to do so, because it would raise unnecessary and troublesome questions hereafter in cases of contest. While I do not believe Congress would have the right to determine whether the districts were or not compact, I believe a partisan majority, whatever party might be in predomination here, would assume that right and deprive the duly elected Representatives of their seats.

I hope, therefore, that this amendment will not prevail.

Mr. ROBINSON of Indiana. I would like to ask the gentleman a question.

The SPEAKER. The question is on the adoption of the amendment.

Mr. HOPKINS. I ask for a vote.

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Indiana?

Mr. KLUTTZ. Yes.

Mr. ROBINSON of Indiana. I simply desire to correct a statement. I think it was a misapprehension. The gentleman from North Carolina, in response to the gentleman from Virginia, stated that the Burleigh bill did not contain this provision. The provision is in the Burleigh bill.

Mr. KLUTTZ. I corrected that afterwards.

The SPEAKER. The question is on the committee amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HOPKINS. Division, Mr. Speaker.

The House divided; and there were—ayes 109, noes 98.

Mr. RICHARDSON of Tennessee. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 109, answered "present" 6, not voting 108; as follows:

YEAS—132.

Acheson,	Driscoll,	Long,	Ryan, N. Y.
Adams,	Eddy,	Loud,	Ryan, Pa.
Aldrich,	Emerson,	Loudenslager,	Scudder,
Alexander,	Esch,	Lovering,	Shaw,
Allen, Me.	Fitzgerald, Mass.	Lybrand,	Sherman,
Allen, Miss.	Fitzgerald, N. Y.	McAleer,	Showalter,
Babcock,	Fletcher,	McCleary,	Sibley,
Bailey, Kans.	Foss,	McClellan,	Smith, Samuel W.
Barber,	Gardner, N. J.	Mahon,	Southard,
Barham,	Gaston,	Mann,	Spalding,
Bartholdt,	Gill,	Meekison,	Sperry,
Bingham,	Glynn,	Metcalf,	Stark,
Boreing,	Gordon,	Morgan,	Steele,
Boutell, Ill.	Graff,	Morrell,	Stevens, Minn.
Bowersock,	Graham,	Morris,	Stewart, N. Y.
Brenner,	Green, Pa.	Mudd,	Sulzer,
Bromwell,	Griffith,	Muller,	Sutherland,
Brownlow,	Grosvenor,	Naphen,	Thayer,
Bull,	Grout,	Needham,	Thomas, Iowa
Burkett,	Grow,	Norton, Ohio	Tompkins,
Calderhead,	Hepburn,	O'Grady,	Turner,
Caldwell,	Hill,	Olmsted,	Van Voorhis,
Capron,	Hopkins,	Packer, Pa.	Vreeland,
Cochrane, N. Y.	Jack,	Pearson,	Wadsworth,
Conner,	Jett,	Pearre,	Weaver,
Corliss,	Joy,	Phillips,	Weeks,
Cromer,	Kerr, Md.	Pugh,	White,
Crumpacker,	Kerr, Ohio	Ray, N. Y.	Williams, J. R.
Curtis,	Ketcham,	Reeder,	Williams, W. E.
Dalzell,	Lacey,	Robinson, Ind.	Wilson, N. Y.
Davenport, S. A.	Levy,	Rodenberg,	Woods,
Davidson,	Linney,	Ruppert,	Young,
Dovener,	Littauer,	Russell,	Zenor.

NAYS—109.

Adamson,	Bell,	Brundidge,	Clark, Mo.
Allen, Ky.	Bellamy,	Burke, Tex.	Clayton, Ala.
Atwater,	Benton,	Burleson,	Cochran, Mo.
Ball,	Bishop,	Burnett,	Cooper, Tex.
Bartlett,	Breazeale	Catchings,	Cooper, Wis.
Cowherd,	Henry, Tex.	McRae,	Sims,
Crowley,	Howard,	Maddox,	Slayden,
Cushman,	Jenkins,	Moody, Mass.	Small,
Davenport, S. W.	Johnston,	Moody, Oreg.	Smith, Ky.
Davey,	Jones, Va.	Moon,	Smith, Wm. Alden
Davis,	Jones, Wash.	Otey,	Snodgrass,
De Armond,	Kahn,	Parker, N. J.	Spight,
De Graffenreid,	King,	Quarles,	Sprague,
Dinsmore,	Kitchin,	Ransdell,	Stewart, N. J.
Dougherty,	Kleberg,	Rhea, Ky.	Stokes,
Elliott,	Kluttz,	Rhea, Va.	Talbert,
Finley,	Knox,	Richardson, Ala.	Taylor, Ala.
Fleming,	Lamb,	Richardson, Tenn.	Thomas, N. C.
Fordney,	Lanham,	Ridgely,	Tongue,
Fox,	Latimer,	Rixey,	Underhill,
Gaines,	Lester,	Robb,	Underwood,
Gilbert,	Little,	Roberts,	Vandiver,
Gillett, Mass.	Livingston,	Rucker,	Wheeler,
Greene, Mass.	Lloyd,	Shackleford,	Williams, Miss.
Griggs,	McCall,	Shafroth,	Wright.
Hamilton,	McCulloch,	Shattuc,	
Hay,	McDowell,	Shelden,	
Henry, Miss.	McLain,	Sheppard,	

ANSWERED "PRESENT"—6.

Denny,	Miller,	Stewart, Wis.	Tate.
Gibson,	Stephens, Tex.		

NOT VOTING—108.

Bailey, Tex.	Crump,	Landis,	Powers,
Baker,	Cummings,	Lane,	Prince,
Bankhead,	Cusack,	Lassiter,	Reeves,
Barney,	Dahle,	Lawrence,	Riordan,
Berry,	Dayton,	Lentz,	Robertson, La.
Boutelle, Me.	Dick,	Lewis,	Robinson, Nebr.
Bradley,	Driggs,	Littlefield,	Salmon,
Brantley,	Faris,	Lorimer,	Smith, Ill.
Brewer,	Fitzpatrick,	McDermott,	Smith, Iowa
Brick,	Foster,	Marsh,	Smith, H. C.
Brosius,	Fowler,	May,	Sparkman,
Broussard,	Freer,	Mercer,	Stallings.
Brown,	Gamble,	Mesick,	Sulloway,
Burke, S. Dak.	Gardner, Mich.	Meyer, La.	Swanson,
Burleigh,	Gayle,	Miers, Ind.	Tawney,
Burton,	Gillet, N. Y.	Minor,	Tayler, Ohio
Butler,	Hall,	Mondell,	Terry,
Campbell,	Haugen,	Neville,	Thropp,
Cannon,	Hawley,	Newlands,	Wachter,
Carmack,	Heatwole,	Noonan,	Wanger,
Chanler,	Hedge,	Norton, S. C.	Warner,
Clarke, N. H.	Hemenway,	Otjen,	Waters,
Clayton, N. Y.	Henry, Conn.	Overstreet,	Watson,
Connell,	Hitt,	Payne,	Weymouth,
Cooney,	Hoffecker,	Pearce, Mo.	Wilson, Idaho
Cousins,	Howell,	Pierce, Tenn.	Wilson, S. C.
Cox,	Hull,	Polk,	Ziegler.

So the amendment was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. BURTON with Mr. SPARKMAN.

Mr. LORIMER with Mr. NEVILLE.

Mr. DAHLE with Mr. LASSITER.

On this vote:

Mr. LANDIS with Mr. MILLER of Kansas.

Mr. BURLEIGH with Mr. BROUSSARD.

For the rest of the day:

Mr. WACHTER with Mr. DENNY.

The result of the vote was then announced, as above recorded.

The Clerk proceeded and completed the reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. CRUMPACKER. Mr. Speaker, I submit a motion in writing to recommit the bill with instructions.

The SPEAKER. The gentleman from Indiana moves to recommit the bill with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. CRUMPACKER. I move to recommit the bill H. R. 12740 to the Committee on Census, with instructions to ascertain whether any of the States have denied or abridged the right of male inhabitants 21 years of age, who are citizens of the United States, to vote for electors for President and Vice-President, Representatives in Congress, executive and judicial officers of the State, or members of the legislature thereof, in such a manner and to such an extent that the basis of representation should be reduced under the provisions of section 2 of Article XIV of the Federal Constitution; and if such is found to be the case, said committee be further instructed to report, at as early a date as is practicable, an apportionment bill taking such reductions into account, as provided by said section of the Constitution.

Mr. HOPKINS. Mr. Speaker, I demand the previous question upon that motion.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CRUMPACKER) there were—ayes 94, noes 136.

Mr. STEWART of New Jersey. Mr. Speaker, I ask for the yeas and nays.

The question was taken; and the yeas and nays were refused.

The SPEAKER. The question now is on the passage of the bill.

The question was taken: and the bill was passed.

On motion of Mr. HOPKINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PAYMENT OF MESSENGERS WITH ELECTORAL VOTE.

Mr. BINGHAM. Mr. Speaker, I am instructed by the Committee on Appropriations to present the following bill and ask for its immediate consideration:

The SPEAKER. The gentleman from Pennsylvania, by authority of the Committee on Appropriations, asks immediate consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13394) providing for the payment of electoral messengers.

Be it enacted, etc., That for the payment of the respective States for conveying to the seat of goverment the votes of the electors of said States for President and Vice-President of the United States, at the rate of 25 cents for every mile of the estimated distance for the most usual road traveled from the place of the meeting of the electors to the seat of government of the United States, computing for one distance only, the sum of $12,700 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. BINGHAM. I want to state to the House that this is in the language and is consistent with all preceding legislation on the subject. It is required by statute, and this bill simply appropriates the amount necessary for the mileage.

Mr. FITZGERALD of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. Do I understand that this bill provides for 25 cents per mile?

Mr. BINGHAM. Yes; that is the statute.

Mr. FITZGERALD of Massachusetts. I think the statute ought to be amended. Railroad transportation has been so much reduced in late years that it seems ridiculous to vote 25 cents a mile for railroad transportation.

Mr. WILLIAMS of Mississippi. That is all the pay they get.

The SPEAKER. Without objection the bill will be considered.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being read the third time, was passed.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

Mr. HOPKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for enlarging the Military Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for a new boiler plant in the Federal building at Baltimore—to the Committee on Appropriations, and ordered to be printed.

A letter from the secretary of Porto Rico, inclosing copies of franchises granted to the Port America Company and to Ramon Valdes—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for repairs on the marine-hospital building at Chicago—to the Committee on Appropriations, and and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for new elevators in certain public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for water supply at the Military Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Postmaster-General, transmitting report of an investigation into the pneumatic-tube service for the transmission of mail—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases, reported the same without amendment, accompanied by a report (No. 2156); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 13274) to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department, reported the same without amendment, accompanied by a report (No. 2158); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 17) to authorize the restatement, readjustment, settlement, and payment of dues to Army officers in certain cases, reported the same with amendment, accompanied by a report (No. 2159); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARHAM, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10922) to establish a light and fog station at Point Dume, Los Angeles County, Cal., reported the same with amendment, accompanied by a report (No. 2175); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1289) to provide for the construction of an additional light-ship for use on the coast of California, Oregon, Washington, or Alaska, as exigencies may determine, reported the same without amendment, accompanied by a report (No. 2176); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 5612) for the relief of William Dugdale, postmaster at Noroton Heights, Conn., reported the same without amendment, accompanied by a report (No. 2157); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11481) for the relief of the legal representatives of Paul Curtis, deceased, reported the same without amendment, accompanied by a report (No. 2160); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12104) for the relief of George T. Sampson, surviving partner of the firm of A. & G. T. Sampson, reported the same with amendment, accompanied by a report (No. 2161); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House, H. R. 12477, reported in lieu thereof a resolution (H. Res. 335) for the relief of Charlotte G. Robertson, reported the same, accompanied by a report (No. 2162); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 12478, reported in lieu thereof a resolution (H. Res. 336) for the relief of Waldo W. Putnam, reported the same, accompanied by a report (No. 2163); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 11983, reported in lieu thereof a resolution (H. Res. 337) for the relief of Joseph C. Ferriday, reported the same, accompanied by a report (No. 2164); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 12990, reported in lieu thereof a resolution (H. Res. 338) for the relief of Nancy Maria Minter, reported the same, accompanied by a report (No. 2165); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11615) for the relief of Curtis & Tilden, reported the same without amendment, accompanied by a report (No. 2166); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 12041) for the relief of the legal representatives of Neafie & Levy, reported the same without amendment, accompanied by a report (No. 2167); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12951) for the relief of the legal representatives of Jeremiah Simonson, deceased, reported the same without amendment, accompanied by a report (No. 2168); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12746) for the relief of J. C. Williams, administrator of Haller Nutt, deceased, reported the same without amendment, accompanied by a report (No. 2169); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12176) for the relief of the legal representatives of Pusey, Jones & Co., reported the same without amendment, accompanied by a report (No. 2170); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12418) for the relief of Anna M. Mershon, administratrix of Daniel S. Mershon, deceased, reported the same without amendment, accompanied by a report (No. 2171); which said bill and report were referred to the Private Calender.

He also, from the same committee, to which was referred the bill of the House (H. R. 3773) for the relief of Edward P. Bliss, reported the same without amendment, accompanied by a report (No. 2172); which said bill and report were referred to the Private Calender.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11974) granting an honorable discharge to Samuel Welch, reported the same with amendment, accompanied by a report (No. 2173); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9832) to pension the Nebraska Territorial Militia—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13316) to restore to the pension rolls the name of Andrew C. Smith—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13173) granting a pension to Ellen Pratt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 13369) to maintain the parity of the money of the United States—to the Committee on Banking and Currency.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 13370) relating to extra pay of officers and enlisted men in the Army in the war with Spain—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 13371) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNOX: A bill (H. R. 13372) to provide for subports of entry and delivery in the Territory of Hawaii—to the Committee on the Territories.

By Mr. LITTLE: A bill (H. R. 13373) for improving and arching Hot Springs Creek, in city of Hot Springs, Ark.—to the Committee on Appropriations.

By Mr. HAMILTON: A bill (H. R. 13374) authorizing the Indiana, Illinois and Iowa Railroad Company to construct and maintain a bridge across St. Joseph River, at or near the city of St. Joseph, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 13375) for the extension of Wyoming avenue, Prescott place, and Twenty-third street—to the Committee on the District of Columbia.

Also, a bill (H. R. 13390) relating to the Washington Gaslight Company, and for other purposes—to the Committee on the District of Columbia.

By Mr. KING: A bill (H. R. 13391) ceding arid lands to the States and Territories—to the Committee on the Public Lands.

By Mr. WACHTER: A bill (H. R. 13392) to amend section 4472 of the Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: A bill (H. R. 13393) authorizing the Secretary of the Treasury to remit duties on certain seed wheat imported—to the Committee on Ways and Means.

By Mr. HENRY C. SMITH: A joint resolution (H. J. Res. 290) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BINGHAM: A resolution (H. Res. 339) in relation to the flag presented to the House of Representatives by the Women's Silk Culture Association of the United States—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAILEY of Kansas: A bill (H. R. 13376) for the relief of William T. Edgeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13377) for the relief of Robert White—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE (by request): A bill (H. R. 13378) for the relief of certain occupants and owners of land in Monroe County, Ark.—to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 13379) granting an increase of pension to Frederick Hart—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13380) granting an increase of pension to John Tibbetts—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 13381) granting an increase of pension to William S. Hosack—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 13383) to pension George W. Sheeks—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 13384) to place on the pension roll the name of Charles E. Miller—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13385) for the relief of the trustees of Harmony Methodist Church—to the Committee on War Claims.

By Mr. RYAN of New York: A bill (H. R. 13386) granting a pension to Martin Uehlein—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 13387) increasing pension of August Schill, alias Silville—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 13388) granting an increase of pension to Ellen Pratt—to the Committee on Pensions.

Also, a bill (H. R. 13389) granting an increase of pension to Mary Ann Deline—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the First Presbyterian Church of Coraopolis, Pa., for the exclusion of spirituous liquors from portions of Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Allegheny County Grand Army of the Republic Association, Pittsburg, Pa., in opposition to the passage of House bill No. 12905, to establish a Soldiers' Home at Huntsville, Ala.—to the Committee on Military Affairs.

By Mr. ADAMS: Resolutions of the Thirty-fourth National Encampment, Grand Army of the Republic, commending the work already accomplished on the National Military Park at Gettysburg, and asking that continued aid be given thereto—to the Committee on Appropriations.

By Mr. BARTLETT: Resolutions of the city council of Savannah, Ga., relative to making appropriations for the harbor at Savannah—to the Committee on Rivers and Harbors.

Also, petition of T. D. Tinsley, members of the bar, and other citizens of Macon, Ga., relative to the increase of the salaries of Federal judges—to the Committee on the Judiciary.

Also, resolutions of the city council of Savannah, Ga., favoring an appropriation in behalf of the Southern States and West Indian Exposition at Charleston, S. C.—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of Atlanta, Ga., in opposition to the amendment of an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BELLAMY: Petition of John L. Watts, keeper, and

J. E. Price and other surfmen of the Cape Fear life-saving station, favoring bill to promote efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRUNDIDGE: Papers to accompany House bill for the relief of certain owners and occupants of lands in Monroe County, Ala.—to the Committee on Claims.

Also, papers to accompany House bill No. 11886, relating to the claim of Howard & Spivey—to the Committee on War Claims.

By Mr. CALDERHEAD: Petition of the National Association of Agricultural Implement and Vehicle Manufacturers, favoring legislation in regard to irrigation—to the Committee on Irrigation of Arid Lands.

Also, petition of Street & Smith, New York, relative to mailable matter of the second class—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of good-roads convention held in Chicago, Ill., asking for an appropriation of $150,000 for the office of public road inquiry—to the Committee on Agriculture.

By Mr. COUSINS: Petitions of Mrs. Levi Howick and other citizens of Marion, Iowa, to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. ELLIOTT: Resolutions of the city council of Spartanburg, S. C., favoring the passage of the bill to aid the South Carolina Interstate and West Indian Exposition—to the Committee on Appropriations.

By Mr. ESCH: Resolutions of the Chamber of Commerce of New York, in favor of the passage of a bill relating to a session of the International Congress of Navigation, to be held at Washington, D. C.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the twenty-sixth annual meeting of the Wholesale Druggists' Association, protesting against the free distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. EMERSON: Papers to accompany House bill granting an increase of pension to Frederick Hart—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of citizens of Minneapolis, Minn., urging the passage of a certain bill for the construction of a dam on the Gila River, in Arizona—to the Committee on Rivers and Harbors.

Also, resolutions of the Minneapolis Chamber of Commerce, protesting against the passage of the so-called Cullom bill, entitled "An act to promote commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES: Petition of Clarksville (Tenn.) Tobacco Board of Trade for appropriation for soil survey—to the Committee on Agriculture.

Also, petition of Murray Dibrell & Co., of Nashville, Tenn., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Charles H. Cramp, of Philadelphia, Pa., favoring Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, petition of 200 citizens of Avalon, Pa., and the Eighth United Presbyterian Church of Allegheny, Pa., favoring the exclusion of the liquor traffic in Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to John Tibbetts, of Dillsboro, Ind.—to the Committee on Invalid Pensions.

Also, petition of gaugers and storekeepers in the internal-revenue service of the Sixth district of Indiana for sufficient appropriation to provide for them vacations without loss of pay—to the Committee on Appropriations.

By Mr. HAY: Petition of heirs of Thomas Clevenger, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCALL: Petition of the internal-revenue gaugers, storekeepers, etc., of the collection district of Massachusetts, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of trustees of Harmony Methodist Church, Limestone County, Ala.—to the Committee on War Claims.

By Mr. STEWART of New York: Petition of Friends' Monthly Meeting, Otsego County, N. Y., in favor of an amendment to the Constitution against polygamy, and various other reform measures—to the Committee on the Judiciary.

By Mr. WRIGHT: Petition of 19 voters of the Fifteenth Congressional district of Pennsylvania, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petitions of the Ladies' Missionary and Foreign Society and Woman's Christian Temperance Union, of Montrose, Pa., for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. YOUNG: Petition of the Baldwin Locomotive Works, Philadelphia, Pa., favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Thirty-fourth National Encampment, Grand Army of the Republic, commending the work accomplished by the Gettysburg National Park Commission, and asking for further appropriation to complete the work—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of New York, favoring the passage of a bill relating to a session of the International Congress of Navigation to be held at Washington, D. C.—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *January 9, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ELECTORAL VOTES OF WISCONSIN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for the President and Vice-President appointed in the State of Wisconsin at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census; and

A bill (H. R. 13394) providing for the payment of electoral messengers.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 2955) providing for the resurvey of township No. 8 of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska;

A bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased;

A bill (H. R. 6344) to remove the charge of desertion from the records of the War Department against Frederick Mehring;

A bill (H. R. 11213) for the relief of occupants of lands included in the Algodones grant in Arizona;

A bill (H. R. 11588) permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Missouri; and

A bill (H. R. 12447) to amend an act approved June 1, 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein."

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Waiters' Alliance, of Buffalo, N. Y., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented petitions of S. O. Rusly, of Barryville; of the congregations of the Methodist Episcopal Church of Branchport, of the Methodist Episcopal Church of Wellsville, and the Methodist Episcopal Church of Clifton Springs, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of South Harmony Grange, No. 525, Patrons of Husbandry, of Watts Flats; of Empire Grange, No. 804, Patrons of Hubandry, of Oxford; of sundry citizens of Delaware County and Allegheny County; of Joseph Cooper, of Perry Center; M. B. Pratt, of Jamestown; A. B. Carter, of Jamestown,